

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM-M-43174-2021

Date of Decision : December 23, 2021

Charanjit

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajiv Joshi, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. S.S. Grewal, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.239 dated 07.09.2021, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 13.10.2021. Order dated 13.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.239 dated 07.09.2021, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner argues that in the

present case, it is the petitioner who has been misled by the other co-accused to affix his signatures on the Will, which was signed by the petitioner as a witness, by misrepresenting the fact that his signatures are needed for securing a tubewell connection. Learned counsel for the petitioner submits that the petitioner, who is illiterate, has not gained anything from the alleged forged Will and as the said Will is already in the possession of the investigating agency and nothing is to be recovered from the petitioner, he may kindly be granted the concession of anticipatory bail as the petitioner is ready to join the investigation and cooperate.

Notice of motion for 23.12.2021.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that once the petitioner is a member of the panchayat, he should be vigilant in attesting the documents and the documents should have been got verified before attesting the same.

Learned counsel for the complainant submits that the petitioner is in connivance with the other beneficiaries of the Will, therefore, the custodial interrogation of the petitioner is necessary to find out the truth.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner that he in connivance with the co-accused prepared a forged Will, are yet to be proved during the trial. Further, nothing is to be recovered from the petitioner and nothing has been presented before this Court that petitioner is a beneficiary of the Will in question in any manner, hence, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation

forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Jai Gopal, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 13.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 23, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned? : Yes/No

Whether reportable? : Yes/No