

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39943-2020(O&M)

Date of decision : 18.01.2021

Manpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Brar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 02.12.2020, the following order was passed:

“Heard through video conferencing.

This is a petition under Section 438 for grant of anticipatory bail in FIR No.207 dated 19.08.2019 (Annexure P-4) under Sections 420, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station City Tarn Taran, District Tarn Taran, Punjab.

Learned counsel for the petitioner contends that the petitioner was granted bail by the Court of Additional Sessions Judge, Tarn Taran vide order dated 21.08.2020. Thereafter, another FIR came to be lodged against the petitioner on the ground that the petitioner and the co-accused have attacked the police party, in which interim relief has been granted to one of the co-accused by the Supreme Court. It has been further contended that because of the lodging of the second FIR the petitioner was unable to

join investigation and, therefore, the order dated 12.09.2020 came to be passed wherein it has been noticed that the petitioner has failed to join investigation. He further contends that the petitioner has falsely been implicated in the other FIR and his failure to join investigation was not intentional and if he be given one opportunity to join investigation he would fully cooperate with the Investigating Officer. He further contends that M/s Matharu Agricultural Industries was a sole proprietor firm and the petitioner herein has no concern with the said firm except that he is the brother of the sole proprietor who has since died on 12.11.2019.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State and she, on instructions from ASI Gurmeet Singh, has stated that the petitioner had earlier been granted bail by the Court of Additional Sessions Judge, Tarn Taran vide order dated 21.08.2020, however, he failed to join investigation. She further contends that in the other FIR the petitioner and his father had given beatings to the Investigating Officer and he had been admitted in the hospital for treatment of the said injuries. Learned State counsel, however, is not in a position to deny that father of the petitioner has since been granted interim relief by the Supreme Court in the said case.

In the present case, the dispute, prima facie, appears to have arisen out of a financial transaction between the complainant and the petitioner herein. Cheques were initially issued by one Harpreet Singh (since deceased) and the FIR was lodged on 19.08.2019 and, thereafter, the deceased, Harpreet Singh, who was the sole proprietor of the firm M/s Matharu Agricultural Industries committed

suicide on 06.11.2019. It has further been brought to the notice of the Court that M/s Matharu Agricultural Industries was a sole proprietorship firm and the petitioner in the present case has nothing to do with the said firm.

List on 18.01.2021.

Meanwhile, the petitioner shall join investigation and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bond to the satisfaction of the Arresting Officer. The petitioner shall abide by all terms and conditions as specified under section 438(2) of the Criminal Procedure Code, 1973."

Learned counsel for the State on instructions from SI Harsa Singh has stated that the petitioner has since joined the investigation and he is no longer required for further investigation at this stage.

In view of the above, the order dated 02.12.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off, accordingly.

18.01.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO