

In virtual Court

CRM-M-39997-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39997-2020 (O&M)
Date of decision: 24.02.2021

Avtar Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. T.P.S. Tung, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.125 dated 31.10.2020 under Sections 420, 406, 379, 411 IPC, registered at Police Station Ghall Khurd, District Ferozepur.

While granting interim anticipatory bail to the petitioner, following order was passed by this Court on 07.12.2020: -

“...Learned counsel for the petitioner submits that as per the allegations in the FIR, based on a secret information, the petitioner is posted as Assistant Food and Supplies Officer in Block Ghall Khurd, District Ferozepur. It is further stated in FIR that petitioner has misappropriated wheat meant for poor people.

Learned counsel for the petitioner further submits that in fact the wheat was stored in a rented premise as there was no other government premise available.

Learned State counsel has filed affidavit of the DSP(SD), Ferozepur, wherein, in para 7, it is stated that it came in the disclosure statement of Vinay Kumar that in August, 2020, he has deposited an amount of Rs. 20,000/- in an account provided by the petitioner.

In reply, learned counsel for the petitioner submits that said account does not belong to petitioner and he has falsely been implicated...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Harpal Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation. It is further submitted that during the investigation, Section 13 (2) of the Prevention of Corruption Act has been added.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 07.12.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It is clarified that this order will be read granting anticipatory bail to the petitioner under Sections 420, 406, 379, 411 IPC read with Section 13 (2)

of the Prevention of Corruption Act.

In case the petitioner is still required for further investigation, it will be open for the Investigating Officer to serve him a notice in writing for joining the investigation.

Registry is directed to make necessary correction in the head note as well as prayer clause of the petition.

[ARVIND SINGH SANGWAN]
JUDGE

24.02.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No