

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

202

**CRM-M-40694-2019
Date of decision: 12.08.2021**

Mohinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Arshdeep Kaur, Advocate for
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 0029 dated 01.02.2019 registered under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Division No. 5, District Police Commissionerate Ludhiana.

Vide order dated 23.09.2019 the Co-ordinate Bench of this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:

“It is contended by counsel for the petitioner that the case against the petitioner is totally concocted for the malafide reasons and at the instance of a serving Army Officer with whom the petitioner did not have good relations during his service tenure. Otherwise, the petitioner is not connected with any despatch of any letter or verification of any candidate during the recruitment

process. Still further, it is contended that the petitioner belong to District Jind, which is at a distance of about 250 kilometers from Ludhiana, where the co-accused and some alleged touts were operating. There is not even any allegation that any candidate belonging to the area of the petitioner had got verification of his antecedents and service through the petitioner.

Notice of motion for 20.02.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

The petition has been opposed by the learned State Counsel in terms of short reply filed by way of affidavit of Sh. Jatinder Singh, PPS, ACP (Civil Lines), Ludhiana in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 23.09.2019, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the

petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Gurcharanjit Singh, acknowledged that in compliance with order dated 23.09.2019 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 23.09.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

12.08.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No