

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-42722-2019

DATE OF DECISION: 09.09.2021

HARINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Iqbal Singh Mann, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Kushagra Beniwal, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.09 dated 29.01.2019, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station SGN Dev Thermal Plant, Bathinda, District Bathinda.

A coordinate Bench of this Court, on 17.10.2019, had passed the following order:-

“Learned counsel for the petitioner points to the order passed by this Court (coordinate Bench) on 8.5.2019 in CRM-M-12039 of 2019 and CRM-M-15692 of 2019, admitting the petitioners therein to anticipatory bail, the said petitioners being the witness to the agreement of sale and the beneficiary of the agreement, respectively.

He further points to the fact that the civil suit instituted by the beneficiary of the agreement, was decreed in his favour by the learned Civil Judge (Junior Division), Bathinda, on 3.12.2012, though that was an ex parte decree against the complainant in the FIR, but with the application filed by her under Order 9 Rule 13 of the CPC also having been dismissed and that order being under challenge by way of an appeal which is still pending.

Notice of motion, returnable on 20.11.2019.

The complainant in the FIR, i.e. Mahinder Kaur, wife of Inderjit Singh, resident of H.No.32804-A, Street no.4, Parasram Nagar, Bathinda, is ordered to be impleaded as respondent no.2 in the petition, with the Registry directed to carry out the necessary corrections in the memo of parties. Respondent no.2 be served through dasti process also.

In the meanwhile, till the next date of hearing only and specifically, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

It is made clear that if respondent no.2 is not served by the next date of hearing, the interim order shall stand automatically vacated.”

Learned State counsel, upon instructions from ASI Rajinder Singh, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 17.10.2019 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.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

09.09.2021

SwarnjitS

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