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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48022--2019
Date of decision-25.10.2021

GURINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure read with Section 482 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.139 dated 19.10.2019, under Section 420 Indian Penal Code, 1860, registered at Police Station Sultanwind, District Police Commissionerate, Amritsar, District Amritsar. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.11.2019, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the complainant is the sister of the petitioner,

who had previously filed a suit against the petitioner and others for declaration to challenge the Will dated 20.04.1988, executed by Harbhajan Singh (father of the petitioner) in his favour. Besides, a compromise was also arrived at between the parties. He submits that the complainant got the present FIR lodged after a period of one year, from the date of filing of the suit. He submits that the entire case is based on documentary material and, therefore, custodial interrogation of the petitioner may not be necessary.

Notice of motion for 25.03.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Varinder Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 13.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

25.10.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No