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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M-50106-2019

Date of Decision: 04.10.2021

DAVINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.227 dated 05.10.2019 registered under Sections 420, 120-B of the IPC at Police Station Focal Point, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submitted that in compliance of the order dated 26.11.2019, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Notice of motion was issued on 26.11.2019 on the premise that the business dealings between the petitioner and the complainant have been converted into a criminal case. Even otherwise, all the deals were made with Gurdeep Singh and not

with the petitioner.

On 03.09.2021, learned State counsel made a statement on the basis of the instructions received from ASI-Amrik Chand that the petitioner has not joined the investigation even for once after passing of the order dated 26.11.2019 by this Court. Thereafter, on 07.09.2021, learned State counsel, on instructions from ASI Rajinder Pal, submitted that in fact the petitioner had already joined the investigation on 05.12.2019 in compliance of the order dated 26.11.2019 and the instructions given by ASI-Amrik Chand to learned State counsel on 03.09.2021 were in fact wrong instructions and was a mis-statement of the fact. On account of the said mis-statement of the fact, the case was unnecessarily adjourned on 03.09.2021.

In compliance of the order dated 07.09.2021, the matter was brought to the notice of the Commissioner of Police, Ludhiana, who has also filed his affidavit dated 29.09.2021. Perusal of the said affidavit would show that departmental enquiry has been initiated against ASI-Amrik Chand and the same has been entrusted to ACP Industrial Area A, Ludhiana vide enquiry No. 6850-54/PA dated 21.09.2021. The Officer has been directed to complete the enquiry at the earliest.

During the course of hearing of the case, learned State

counsel has also placed on record a photocopy of the order dated 04.10.2021 passed by the Commissioner of Police, Ludhiana suspending ASI-Amrik Chand with immediate effect.

Learned counsel for the petitioner submitted that in compliance of the order dated 26.11.2019, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel admits that aforesaid facts and submits that the petitioner is no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 26.11.2019 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

October 4, 2021
Ess Kay

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No