

204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-799-2022

Date of Decision: 22.02.2022

Balwant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.84, dated 11.11.2021, under Sections 420 and 34 of the IPC, registered at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 12.01.2022, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.84 dated 11.11.2021 registered under Sections 420 & 34 of the IPC at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner argues that in fact, the allegations alleged against the petitioner in the present FIR are false and rather the petitioner's son namely, Maninder Singh, who has also been arrayed as accused went to Dubai through an agent namely,

Dikshapati along with the complainant and after spending some time, they came back and, thereafter, son of the petitioner went to England, where he is residing presently. Learned counsel for the petitioner submits that in fact the petitioner is being made a scapegoat and has been falsely implicated by the complainant as the complainant is not able to get his money back from the said agent.

Learned counsel for the petitioner further submits that even otherwise, the allegations relate to year 2017 and the FIR has been registered in the year 2021 i.e. after 04 years. Learned counsel for the petitioner submits that as the petitioner is ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail as extended to the co-accused namely, Balbir Kaur by this Court while passing order in CRM-M-52528-2021 on 16.12.2021.

Notice of motion for 22.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State of Punjab.

Learned State counsel submits that the allegations against the petitioner are specific that he along with his son Maninder Singh received a sum of Rs.12 lacs from the complainant, which fact is to be ascertained during investigation, for which purpose, custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Allegations in the present case relate to the year 2017, whereas, the FIR has been registered in the year 2021. Custodial interrogation of the petitioner is being

demanded on the ground that the allegations with regard to the payment of Rs.12 lac by the complainant to the petitioner and another co-accused Maninder Singh is to be ascertained. Keeping in view the facts and circumstances of the present case, purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”*

Learned State counsel, on instructions from ASI Kulwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner

will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 12.01.2022 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.02.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : No