

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

Sr. No.207

CRM-M-2572 of 2022

Date of Decision: 22.03.2022

Balwinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Ms. Amandeep Kaur, Advocate for
Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

SANT PARKASH, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.173 dated 10.12.2021, registered under Sections 419 and 420 IPC at Police Station City Navi Baradari, District Police Commissionerate Jalandhar.

Vide order dated 24.01.2022 passed by a Coordinate Bench of this Court, the petitioner was granted interim bail and the operative part of the said order is reproduced hereunder:-

“Notice of motion for 22.03.2022

Mr. Kirat Singh Sidhu, 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 petitioner was the one who is to be treated as mastermind behind the commitment of offence as he managed to arrange an impersonator for appearing in the examination in place of accused Gurwinder Singh, for which, he had taken a sum of Rs.50,000/-, which

amount is yet to be recovered. He further submits that the name of the person, who has impersonated accused Gurwinder Singh is also yet to be ascertained.

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

Keeping in view the fact that on the day of the examination, no one was caught by the Recruiting Agency impersonating accused Gurwinder Singh and the said fact was discovered later on during the physical test required to be undertaken by the candidate concerned. As nothing is to be recovered from the petitioner and the learned counsel for the petitioner has undertaken before this Court that the petitioner is ready to join and cooperate in investigation so as to unearth the truth behind the allegations, the petitioner has made out a case for the grant of benefit of anticipatory bail.

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 themselves 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.”*

Upon instructions from ASI Manohar Lal, learned State counsel submits that in compliance of the aforesaid orders, the petitioner has joined the investigation and his custodial interrogation is not required.

Having considered the facts and circumstances of the case, order dated 24.01.2022 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Accordingly, the petition stands disposed of.

(SANT PARKASH)
JUDGE

22.03.2022
Maninder

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