

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4122-2022 (O&M)
Date of Decision:- 5.5.2022

Lal Singh and another Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Basant Sharma, Advocate for
Mr. Darshan Singh Malwai, Advocate, for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Krishan Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners who have been summoned with the aid of Section 319 Cr.P.C. by the trial Court in respect of a trial arising out of FIR No.154, dated 16.12.2016, Police Station Lehra, District Sangrur, under Sections 420, 120-B IPC.
2. At the time of issuance of notice of motion the following order was passed on 2.2.2022:

“Petitioners Lal Singh aged 55 years and Baljinder Kaur aged 70 years have approached this Court seeking grant of anticipatory bail as they apprehend their arrest consequent upon the petitioners having been summoned by learned Judicial Magistrate 1st Class, with the aid of Section 319 Cr.P.C. for facing trial along with co-accused Gursewak Singh and others.

Learned counsel for the petitioners submits that they have falsely been implicated in the present case and that infact the main allegations pertaining to defrauding of the complainant are against Gursewak Singh i.e. son of the petitioners and even as per the FIR the amount in question is alleged to have been entrusted initially to Gursewak Singh who thereafter handed over the same to the petitioners.

It has been submitted that since investigation, in any case stands concluded and the petitioners are willing to associate with the proceedings of the trial, the petitioners deserve the concession of anticipatory bail.

Notice of motion for 5.5.2022.

In the meantime, the petitioners are directed to appear before the learned trial Court within a period of two weeks from today. Upon their appearance before the trial Court, they shall be released on interim bail subject to their furnishing bail bonds and surety bonds to its satisfaction. The trial Court would be at liberty to impose any such condition as deem fit so as to ensure the regular appearance of the petitioners.

It is clarified that the aforesaid order shall enure offence under Sections 467, 468 and 471 IPC as well.”

3. It has been informed by learned State counsel, that pursuant to interim directions, the petitioners have appeared before the trial Court and have been released on interim bail.
4. Keeping in view the aforestated position wherein the petitioners have been summoned with the aid of Section 319 Cr.P.C. necessarily implying that investigation is complete and while also noticing that the petitioners have already put in appearance before the trial Court, there is no question of custodial interrogation of the petitioners at this

stage. The petition, as such, is accepted and interim directions issued by this Court vide order dated 2.2.2022 are hereby made absolute subject to the condition that the petitioners shall regularly before the trial Court regularly and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C. Needless to mention, it shall be open to the trial Court to impose any other condition as deemed fit so as to ensure regular presence of petitioners.

5.5.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No