

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

CRM-M-5374-2022(O&M)
Date of decision: 20.04.2022

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mrs. A.K Khurana, DAG, Punjab.

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VINOD S. BHARDWAJ, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No.0004 dated 03.01.2022, registered at Police Station Division-B, District Police Commissionerate Amritsar, under Section 406 IPC, 1860.

Learned counsel for the petitioner *inter alia* contends that pursuant to the order dated 09.02.2022, passed by this Court, the petitioner has joined investigation and is no longer required for investigation of the case.

Learned State counsel does not controvert the said assertion, however, she submits that gold is yet to be recovered from the petitioner. She, However, could not indicate as to how such a recovery can be effected in the absence of any distinct identification mark with respect to the alleged

recovery sought to be effected. She further submits that receipts pertaining to transfer of money by the complainant to the petitioner are already available with them which prima facie is sufficient to establish the possibility of a transaction amongst the parties. The objection being raised is not feasible and does not in any manner require custodial interrogation of the petitioner or is necessary for conclusion of the investigation.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 09.02.2022, is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) CrPC.

20.04.2022
Amandeep

(Vinod S. Bhardwaj)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No