

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7843-2022

Date of decision : 07.04.2022

Pawan Kumar @ Tony

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nitesh Singhi, Advocate for the petitioner.
Mr. Dhruv Dayal, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.0397 dated 07.10.2021 under Sections 420, 467, 468, 471 and 120-B Indian Penal Code, 1860 registered at Police Station Division No.5, District Police Commissionerate Ludhiana, who apprehends his arrest at the hands of Police.

On 24.02.2022, this Court had passed the following order:-

“Taken up through virtual mode.

This is a petition filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0397 dated 07.10.2021 registered under Sections 420/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station Division No.5, Ludhiana (Annexure P-1).

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case and his name does not figure in the FIR and that he has been implicated only on the basis of the disclosure statement given by one of the co-accused, namely, Rajinder Kumar. Learned counsel would further contend that an affidavit of Rajinder

Kumar (Annexure P-3) has been appended with the petition wherein he has clearly stated that he never disclosed the name of the present petitioner. Learned counsel would further contend that there is no other case pending against the petitioner and he has absolutely clean antecedents. Learned counsel for the petitioner further states that the petitioner is willing to join the investigation as and when called upon to do so.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State. Learned State counsel states that the petitioner is involved in a racket of preparing forged jamabandis, forged aadhaar cards and furnishing sureties before the Court.

The petitioner in the present case is not named in the FIR and has been implicated only on the basis of a disclosure statement. Further, the person on the basis of whose disclosure statement the petitioner has been implicated has given an affidavit stating therein that he never disclosed the name of the present petitioner.

List on 07.04.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds with adequate surety to the satisfaction of the Investigating/Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Sukhjinder Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 24.02.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.04.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No