

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

CRM-M-13506-2022 (O&M)
Date of Decision:- 20.7.2022

Karamjeet Singh @ Karamjit Singh @ Kammi Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.S.Gill, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Davinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0241 dated 22.12.2020, registered under Sections 420, 406 and 120-B of IPC, Police Station Anaj Mandi, District Patiala.
2. At the time of issuance of notice of motion the following order was passed on 31.3.2022:

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.0241 dated 22.12.2020, registered under Sections 420, 406 and 120-B of IPC at Police Station Anaj Mandi, District Patiala.

It is contended that the petitioner has been falsely implicated in the present case, which is purely of civil nature and has wrongly been given the colour of criminal nature.

The petitioner has no concern with the alleged offence as the tractor in question was purchased by co-accused Balwinder Kumar and loan for the same was also taken by the said Balwinder Kumar. Moreover, one Lakshdeep Kumar (son of Balwinder Kumar) stood as guarantor and therefore, no question of assurance on the part of the petitioner arises.

It is further contended that the said Balwinder Kumar paid Rs.50,000/- in cash on 01.07.2020 and remaining amount of Rs.7,75,000/- was to be made after availing the loan within a period of 15 days. The complainant remained silent even after expiry of the said period of 15 days and lodged the present FIR after a delay of 4 ½ months.

Notice of motion for 20.07.2022.

Mr. Saurav Khurana, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner 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 him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court.”

3. Learned State counsel, upon instructions from ASI Davinder Singh, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 31.3.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.7.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No