

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

**CRM-M-19968 of 2021
Date of Decision:-20.1.2022**

Balbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mohit Malik, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.121 dated 22.7.2020, under Sections 406 and 420 IPC, registered at Police Station Phase-1, Mohali.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by coordinate Bench of this Court dated 19.5.2021. Order dated 19.5.2021 is read as under:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.121, dated 22.07.2020, registered under Section 406/420 of the Indian Penal Code, 1860, at Police Station Phase 1, Mohali, Punjab.

As per the case of the prosecution, the petitioner has

taken a loan from the first informant Pardeep Kumar, a retired Superintendent from the office of Director General of Police, Punjab. He did not return the amount, although, promised on 13.05.2019 to pay by executing an affidavit. It is also alleged that the petitioner has similarly taken a loan from another co-worker.

Learned counsel representing the petitioner contends that no criminal offence is made out against the petitioner. He further contends that by registering the FIR, the police is trying to abuse its power for getting the amount recovered which is not permissible.

Notice of motion.

On the request of this Court, Mr. R.S.Thind, DAG, Punjab, accepts notice on behalf of the State of Punjab.

Adjourned to 23.07.2021.

After having considered the arguments at some length, this Bench is of the considered view that prima facie the petitioner deserves to be granted interim protection against arrest.

Hence, let the petitioner joins investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Satwinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 19.5.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022

Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No