

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

246(1)

**CRM-M-20002-2021
Date of Order: 25.01.2022**

ANGREJ SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

On 31.05.2021, the following order was passed:-

“Learned State counsel submits that the status report directed to be filed vide order dated 27.05.2021 is being vetted, however, he is aware of its contents and can argue the matter. Thus, I deem it appropriate to hear the case in the absence of status report.

Learned senior counsel for the petitioner refers to the General Power of Attorney on record and submits that the attestation by the Sub Registrar makes it clear that the petitioner only acted as a witness thereof whereas the identifier was the other witness namely Krishan Singh. Thus, the petitioner was a mere formal witness and prima facie had no mens rea. No recovery is to be effected from him and, thus, his custodial interrogation is not necessary.

Notice of motion.

Mr. Hittan Nehra, Addl. AG Punjab accepts notice on behalf of the respondent-State and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 07.06.2021 at 10:00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438 (2) Cr.P.C.

At this stage, Mr. Sukhdeep Singh, Advocate appears on behalf of the complainant and submits that the petitioner knew the beneficiary of General Power of

Attorney who has number of similar cases registered against him. Thus, he should have been very careful while attesting the GPA.

The argument has merit, however, lack of care on the part of the petitioner does not give rise to mens rea on his part. Learned counsel is, however, at liberty to file reply on or before the next date of hearing and place on record any other document to oppose the prayer for grant of anticipatory bail.

Adjourned to 27.09.2021.”

Sh. H.S. Sullar, Deputy Advocate General, Punjab, on instructions from ASI Dalvinder Singh, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the order dated 31.05.2021, is made absolute subject to the condition that the petitioner will continue to cooperate with the investigation as and when required.

All the pending miscellaneous applications, if any, are also disposed of.

January 25, 2022

Ay/Chetan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No