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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20221 of 2021 (O&M)
Decided on: 18.01.2022

Chiman Lal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Karan Sachdeva, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.61 dated 16.04.2021 registered under Section 420 IPC at Police Station Vairo Ke, District Fazilka.

The operative part of the order dated 20.05.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...FIR has been registered on the allegation that the petitioner swindled a sum of Rs.5 lacs from the complainant in the month of May 2012 on the pretext of getting him appointed as a Jail Warden.

Counsel submits that from the years 2018 to 2021, the complainant had given four different complaints regarding the alleged occurrence, which were enquired into by Superintendent of Police (City), Fazilka and no substance was found in the accusation levelled against the

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petitioner. However, the FIR (Annexure P-1) has been lodged on the basis of the fifth complaint, which was submitted on 17.03.2021. Counsel urges that there is a delay of more than eight years in the registration of FIR. It is his argument that once the first complaint submitted by the complainant was found to be false after enquiry, there was no occasion to enquire into the subsequent complaints submitted by him.

Counsel urges that the FIR (Annexure P-1) is a counter blast to a complaint given by the petitioner against ASI Surinder Kumar on the basis of which FIR No. 14 dated 23.09.2020 (Annexure P-2) has been registered against him under Section 7 of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Range Ferozepur. Still further, counsel submits that ASI Surinder Kumar has been pressurizing the petitioner to withdraw the complaint and has involved the petitioner in two more false cases, viz., FIR No.358 dated 11.10.2020 was registered under Sections 307, 365, 341, 323, 120-B, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act at Police Station Sadar Fazilka on 11.10.2020, wherein after investigation, it was reported that the petitioner is not required and second FIR bearing No.12 dated 29.01.2021 registered under Sections 452, 365, 511, 506 and 120-B of the Indian Penal Code, 1860 at Police Station City Fazilka on 29.01.2021, wherein the petitioner was granted anticipatory bail by Sessions Court on 22.02.2020. Counsel submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.... ”

Counsel for the petitioner has submitted that, in pursuance to the order dated 20.05.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

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Counsel for the State, on instructions from ASI Surinderpal, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.05.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

18.01.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No