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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26111-2022
Date of Decision: 27.07.2022

Shivranjan Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. K.S. Dadwal, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 26 dated 17.02.2018, under Section 379 IPC, registered at Police Station Chabbewal, District Hoshiarpur.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and the FIR itself was lodged on the complaint of the petitioner himself who was Sarpanch on the ground that some trees have been cut. He further submitted that thereafter on the directions issued by this Court a Special Investigation Team was constituted and after a period of 4 years the name of the petitioner has been nominated in the present case. He further submitted that

the trees were cut by one contractor namely Sukhchain Ram and he had earlier given statement by not naming the petitioner but thereafter he retracted from his statement by stating that he was granted contract by the petitioner. He further submitted that it is yet to be ascertained as to who was responsible for cutting the trees and selling the same to the contractor and rather the petitioner himself had lodged the present FIR. He further submitted that the petitioner was earlier involved in two more cases but in one case he has already been acquitted and in another case the FIR has been quashed. He further submitted that no recovery is to be effected from the petitioner and he has already joined the investigation in pursuance of the orders passed by this Court on 09.06.2022 and he has also fully cooperated with the investigation process and therefore, the aforesaid order may be confirmed.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has stated on instructions from ASI Paramjit Singh who is present in the Court that it is correct that the petitioner in pursuance of the orders passed by this Court on 09.06.2022 has already joined investigation and he has fully cooperated with the investigation process and he has further stated on specific instructions that the petitioner is not required for custodial interrogation. He further submitted on instructions that it is correct that the petitioner was earlier involved in two more cases, out of which in one case, he has been acquitted and in another case the FIR has been quashed.

Mr. K.S. Dadwal, Advocate has appeared on behalf of the complainant and has stated that the petitioner had sold away the trees of the panchayat and the amount is yet to be recovered from the petitioner.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court the petitioner has already joined investigation and has fully cooperated with the investigation process and as per the specific stand taken by the learned State counsel on instructions the petitioner is not required for custodial interrogation. Learned counsel for the complainant has however disputed factual position with regard to the other cases against the petitioner and so far as the objection raised by learned counsel for the complainant that for the purpose of recovery of money the custodial interrogation of the petitioner is required is not sustainable in view of the fact that it is settled law that the police cannot become recovery agent. Apart from the same, the State has already taken up a stand that the petitioner is not required for custodial interrogation.

In view of the above, the present petition is allowed. The order dated 09.06.2022 is hereby made absolute.

27.07.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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