

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-27751-2022

Date of decision: - 17.08.2022

Jaswant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nitesh Singhi, Advocate, for the petitioner.

Ms. Bhavna Gupta, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.448 dated 21.12.2017, under Sections 419, 420, 465, 466, 467, 468, 471 and 120-B IPC (Section 201 IPC has been added later on), registered at Police Station City Barnala, District Barnala.

On 30.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present petitioner is the son of Jaswant Singh and grand son of Mulla Singh and is not even remotely involved in the present case as the proclamation proceedings were initiated against Jaswant Singh son of Virsa Singh son of Karam Singh. It is further submitted that a perusal of the statement of Palwinder Singh dated 06.10.2021 (Annexure P-2) would show that he has stated that he is the brother-in-law of Jaswant Singh whose grand father is Karam Singh and he had been residing in Belgium since 1991 and thereafter the police, on the basis of statement of Palwinder Singh, had submitted a report dated 06.10.2021 (Annexure P-3) and proclamation proceedings were initiated. This fact is also apparent

from the report dated 27.04.2022 (Annexure P-4). It is submitted that once they could not apprehend Jaswant Singh grand son of Karam Singh, the police started to raid the house of the present petitioner. It is further submitted that even otherwise Jaswant Singh has not been named in the FIR and there is no allegation in the FIR qua him and he has been implicated in the present case only on account of the statement made by co-accused Sukhwinder Singh who was a computer operator at Fard Centre, District Sangrur to the effect that Jaswant Singh had taken the fard issued in the name of Pargat Singh from the said Sukhwinder Singh. It is submitted that it is not the fard which has been alleged to have been forged and the allegation of forgery of Aadhar card has been levelled against Pargat Singh who has been granted regular bail by coordinate Bench of this Court vide order dated 09.10.2018 passed in CRM-M-27195-2018. It is further submitted that Pritam Singh, co-accused has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 19.07.2018 passed in CRM-M-26409-2018.

Notice of motion.

On advance notice, Mr.Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 17.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his 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.

(VIKAS BAHL)
JUDGE

June 30, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Buta Singh, has submitted that the petitioner has joined the investigation on

16.08.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 30.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 30.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

August 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No