

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

213

**CRM-M-27788-2022
Decided on : 30.08.2022**

Sanjeev Kumar

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Munish Bansal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0091 dated 02.06.2022 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Kotwali Bathinda, District Bathinda.

On 30.06.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“Learned counsel contends that the petitioner has been falsely implicated and with regard to the same allegations, complainant Constable Lakhvir Singh had earlier filed a complaint against which the petitioner and his wife sought

protection from the Court below. This prayer was accepted vide order dated 18.11.2021, in the following terms:

“Having heard the submission, coupled with the submission of the learned Public Prosecutor, the instant application is disposed of with a direction to the concerned police that in case, on any subsequent stage, the applicants are required to be arrested in pursuance of the application filed by Lakhvir Singh, the copy of the same has been placed on record today, then in that eventuality, the concerned Police Station shall give one week prior notice before effecting their arrest. Copy of this order be sent to SP (Special Branch), Bathinda. File of instant bail application be consigned to the Record room.”

It is further submitted that the complainant vide application dated 31.05.2022 with regard to same set of allegations has prevailed to get the FIR registered. It is also submitted that the petitioner has no connection with this case and as per the allegations, he is stated to have provided the bank details of the travel agent to whom the money was transferred, admittedly against which the air ticket had been issued.

Notice of motion.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 12.07.2022.

In the meantime, arrest of the petitioner shall remain stayed till the next date of hearing.

(VIKAS SURI)
JUDGE

June 30, 2022 ”

Thereafter, the matter was adjourned to 12.07.2022 and thereafter, on 12.07.2022, the following was passed by this Court:-

“Learned State counsel prays for an adjournment to file the status report in compliance of the order dated 30.06.2022 passed by a Co-ordinate Bench of this Court. Adjourned to 30.08.2022. In the meantime, in the event of arrest, the petitioner shall 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.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Kor Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in the orders 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 12.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an

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.

(VIKAS BAHL)
JUDGE

30.08.2022
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No