

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

257

CRM-M-25793-2020

Decided on: 16th March, 2022

Davinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.P.S.Brar, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition was filed seeking anticipatory bail in FIR No. 19 dated 1.3.2019 under Section 420 IPC registered at Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

On 3.9.2020 the following order was passed :-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.19, dated 01.03.2019, having been registered at Police Station Sadar Sri Muktsar Sahib, alleging therein the commission of an offence punishable under Section 420 of the IPC.

Learned counsel for the petitioner submits that in fact the petitioner has also been cheated by Rajwant Singh and Gurmeet Kaur, who were also named in the present FIR, but with those two persons in fact not even having

been arraigned as accused by the police, despite the allegations made in the FIR, which was lodged with regard to an occurrence that allegedly took place in the year 2007-2008.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court.

He submits that as per his instructions the petitioner had admitted his liability to the complainant in the year 2018 and therefore, he is not entitled to the concession of bail.

At this stage simply keeping view the fact that the occurrence is alleged to be of the year 2007-2008, with the FIR itself having been lodged in March, 2019, and the other two persons were named in the FIR, i.e. Rajwant Singh and Gurmeet Kaur, not having been arraigned as accused by the police, the SSP, Sri Muktsar Sahib, is directed to go into the matter in detail and file his own affidavit in reply to the petition, giving therein the entire details of the investigation and as to why Rajwant Singh and Gurmeet Kaur, have not been arraigned as accused.

The SSP shall also state in his affidavit as to whether any complaint was lodged by the complainant in year 2007-2008, or soon thereafter, and if so, why it took the police so long to investigate the matter.

If on the other hand, the complainant himself lodged the FIR in the year 2019, for an occurrence of the year 2007-2008, as to whether the reason for such has even gone into by the police or not, shall be also stated by the SSP.

In the aforesaid circumstances, the petitioner is directed to join investigation and upon him so joining, if he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/CJM/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

Adjourned to 09.10.2020.”

Learned State Counsel, on instructions from ASI Jasbir Singh

submits that the petitioner has joined the investigation and is co-operating.

As no custodial interrogation is needed, the interim bail granted on 3.9.2020 is made absolute.

Petition stands disposed of.

[AVNEESH JHINGAN]
JUDGE

16th March, 2022
anuradha

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |