

102

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

CRM-M-30278-2022

Date of decision : 26.08.2022

Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.41 dated 11.05.2022 registered under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station City Morinda, District Rupnagar.

On 15.07.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 41 dated 11.5.2022, under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station City Morinda, District Rupnagar.

As per the case set up, power of attorney of Surender Gera was executed in favour of Radhey Soni by

impersonation. The petitioner is one of the attesting witness.

Learned counsel for the petitioner submits that the petitioner is an attesting witness, no recovery is to be made, he is not the beneficiary and the petitioner volunteers to give his specimen signatures.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail. He submits that by impersonation power of attorney was executed for dealing with the property of Surender Gera.

Without commenting on the merits of the case, considering the nature of allegations against the petitioner, he is an attesting witness, he volunteers to give specimen signatures and no recovery is to be made, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 5.8.2022.

Sd/-(AVNEESH JHINGAN)

15th July, 2022

JUDGE ”

Thereafter, on 05.08.2022, the following order was passed:-

“Learned counsel for the State on instructions from ASI-Sudesh Kumar submits that the petitioner is not co-operating. He is objecting to give his specimen signatures.

Learned counsel for the petitioner on instructions submits that the petitioner will join the investigation and volunteers to give his specimen signatures.

Let the petitioner join the investigation on 10.8.2022.

List on 26.8.2022.

Sd/-(AVNEESH JHINGAN)

*5th August, 2022**JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has joined the investigation and has given specimen signatures.

Learned State Counsel, on instructions from ASI Sudesh Kumar, has submitted that although, the petitioner has given the signatures and has joined investigation but it is yet to be verified as to who is the person who impersonated as Surender Gera.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 15.07.2022 and 05.08.2022 and also the fact that the petitioner has joined the investigation and also in compliance of last order, given his specimen signatures and also keeping in view that the petitioner is not the beneficiary, this Court feels that the petitioner deserves the concession of anticipatory bail.

Accordingly, the present petition is allowed and the interim order dated 15.07.2022 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.

26.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**