

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

CRM-M-36176-2021

Date of Decision: 31.05.2022

Tarsem Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Prateek Sodhi, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.241 dated 10.11.2020, under Sections 420, 465, 467, 468, 471 & 120-B of the IPC, registered at Police Station Raja Sansi, District Amritsar.

It has been submitted by learned counsel for the petitioner that the petitioner was granted interim bail by this Court on 03.09.2021 and in pursuance thereof, he has joined the investigation and he has fully cooperated with the investigation process and therefore, the interim bail granted to the petitioner may be made absolute. He further submitted that it is a case where the petitioner was falsely implicated and the allegation against him was that he was a witness to an agreement to sell which was

found to be forged and even before the registration of the FIR, an inquiry was conducted and the petitioner had specifically denied his signatures on the agreement to sell. He also submitted that the petitioner is neither the beneficiary of the agreement nor he has signed any agreement at any place and the case was planted upon him.

However, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, on instructions from S.I. Talwinder Singh, has stated that an affidavit has been filed by the State and while referring to the same, he submitted that the petitioner has joined investigation in pursuance to the order passed by this Court. However, an objection has been raised that the petitioner has not cooperated in the investigation process.

On a query being raised from the learned DAG, Punjab that as to in what respect the petitioner has not cooperated with the investigation process, he while referring to Para Nos.7 & 8 of the affidavit filed by the Deputy Superintendent of Police, Sub Division Ajanala, Amritsar (Rural) has stated that the petitioner has joined investigation and furnished his bail bonds to the satisfaction of the Investigating Officer but was adopting an evasive and adamant attitude and his custodial interrogation was required in view of the gravity of the offences since the petitioner is very shrewd and sharp minded person and it is not possible for the investigating officer to properly interrogate him without taking him in custody and therefore, there is a genuine requirement for custodial interrogation of the petitioner.

Mr. Prateek Sodhi, Advocate has caused appearance on behalf of the complainant and has opposed the grant anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

In pursuance to the order passed by this Court on 03.09.2021, the petitioner has joined investigation as per the affidavit filed by the State and the stand taken by the learned State counsel. So far as the objection raised by the learned State counsel while referring to the affidavit filed by the Deputy Superintendent of Police, Sub Division Ajanala, Amritsar (Rural) that the petitioner is very shrewd and sharp minded person and for that purpose, his custodial interrogation is required although he has joined investigation, cannot sustain.

When a query was raised to the learned DAG, Punjab as to what kind of cooperation is required, he was not able to answer and nor he was able to refer to any part of the affidavit from where it can be seen that for these reasons, the custodial interrogation of the petitioner is required. Mere fact that it has been stated in the affidavit that the petitioner is very shrewd and sharp minded person and it is not possible for the investigating officer to interrogate him without taking him into custody is not sustainable in the eyes of law.

In view of the aforesaid position, especially in view of the fact that the petitioner has admittedly joined the investigation, the present petition deserves to succeed.

Consequently, the present petition is allowed and the order dated 03.09.2021 is hereby made absolute.

31.05.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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