

209/2 CRM-M-37218 of 2021
Sukhwinder Singh v. State of Punjab

2) CRM-M-46296 of 2021
Vakeel Singh v. State of Punjab

Present: Ms. Rinky Gupta, Advocate, for
Mr. P. S. Jammu, Advocate,
for the petitioner at sr. no.1.

Mr. Sandeep Jain, Advocate,
for the petitioner at sr. no.2.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Case heard via video conferencing.

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Learned counsel for the petitioner submits that the petitioner having been arrested and thereafter admitted to bail under the provisions of Section 439 of the Cr.P.C., this petition seeking anticipatory bail has been rendered infructuous.

Disposed of as such.

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Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.191, dated 23.08.2021, having been registered at Police Station Division No.4, District Patiala, alleging therein the commission of offences punishable under Sections 420 of the IPC, read with Section 4/5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

Notice of motion having been issued by this court, but with the petitioner not having been directed to join investigation to be admitted to

interim bail, a reply dated 25.11.2021 has been filed by the DSP, City-I, Patiala, in which eventually it is stated that the petitioner having (admittedly) participated in a chit fund scheme, it is in contravention of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978, and that to know as to how many other members of the scheme were existent alongwith him, his custodial interrogation is necessary.

However, in view of the fact that eventually the petitioner has been arraigned as an accused upon an observation made by this court in the petition filed by the person originally accused of conducting the said scheme, i.e. Sukhwinder Singh, to the effect that if the complainant in the FIR was also indulging in an unlawful activity, the SSP would examine as to whether any offence was made out against him or not, the petitioner is directed to join investigation and, as submitted by Mr. Jain, he would furnish all information as he possesses, to the investigating agency.

Consequently, he would join such investigation within one week and upon him so joining, in case 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/Ilaqa 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.

Adjourned to 25.03.2022.

A gazetted officer will file an affidavit as to the stage of the investigation thereafter.

A copy of this order be also placed on the file of the other connected matters.

February 18, 2022
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(AMOL RATTAN SINGH)
JUDGE