

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

203

CRM-M-43240-2021

Date of decision : 07.01.2022

SATISH KUMAR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.97 dated 18.09.2021 registered under Section 409 of the IPC at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 13.10.2021. Order dated 13.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.97 dated 18.09.2021 registered under Section 409 of the IPC at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner argues that the only allegation alleged against the petitioner is that he is not handing over the entire record of panchayat despite the fact that his term as a Sarpanch, has already got over in 2018. Learned counsel for the petitioner submits that as per the petitioner, he has already handed over all the documents/record and he is also ready to join and cooperate in investigation and whatever record is in his possession and is required for investigation purpose, the same will be handed over by him to the Investigating Agency without any delay and, therefore, he be granted the benefit of anticipatory bail.

Notice of motion for 07.01.2022.

Mr. Sandeep Kumar, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the custodial interrogation of the petitioner is required only to find out the missing record.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the learned counsel for the petitioner has undertaken before this Court that the petitioner is ready to join and cooperate in

investigation and he is also ready to hand over the record, if the same is in his possession and is required for investigation, the petitioner has made out a case for the grant of anticipatory bail to him.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through

video conference, on instructions from ASI Sartaj Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 13.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.01.2022

rimpall

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No