

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

203(2)

CRM-M-45410-2021 (O&M)

Date of decision : 07.01.2022

JAGIR SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Amarinder Partap Singh, 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 Indian Penal Code, 1860 at Police Station Taragarh, Tehsil and District Pathankot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 29.10.2021. Order dated 29.10.2021 is as under:-

“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 Indian Penal Code, 1860 at Police Station Taragarh, Tehsil and District Pathankot.

Learned counsel for the petitioner submits that no record of the Panchayat is with the petitioner as of now and the petitioner has already handed over the same to the successor in office of Panchayat. Learned counsel for the petitioner further submits that in case, any record is pointed out to the petitioner by the Investigating Agency, which is still not given, all the efforts will be made by the petitioner to verify the same and in case, the same is yet to be submitted, it will be submitted without any delay. Learned counsel for the petitioner further submits that keeping in view the allegations alleged against the petitioner as noting is to be recovered from the petitioner, the petitioner may kindly be granted the benefit of anticipatory bail especially in view of the fact that co-accused of the petitioner Satish Kumar, who was working as a Sarpanch in the Panchayat at the relevant time, has already been granted the benefit of anticipatory bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner is only required for investigation to find out the missing record, which allegation is being alleged in the FIR.

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

Once, the petitioner has undertaken before this Court that he will join the investigation and cooperate and whatever record, if pointed out by the Investigating Agency, is found within the possession of the petitioner will be submitted, no useful purpose will be served for the grant of the anticipatory bail for eliciting the truth in the facts and circumstances of the present case.

In view of the above, the petitioner has made out a case for the grant of anticipatory bail.

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 his/her satisfaction 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.

Adjourned to 07.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

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 29.10.2021 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, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.01.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No