

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42252-2022
Date of decision : 21.10.2022

Charan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Vinod Kumar Kaushal, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.125 dated 28.06.2022 registered under Sections 420, 120-B IPC at Police Station Ajnala, Amritsar Rural, Amritsar.

On 15.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the present FIR has been registered after delay of 4 years and it is submitted that as per the FIR, the primary allegation has been levelled against Darshan Singh, Baljeet Singh, Gurmeet Kaur, Poonam and Hardev Singh and the petitioner has been implicated only on account of being the brother of Hardev Singh. It is further submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.1 lac to the victims within a period of four weeks from today.

Notice of motion for 21.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing

personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare four demand drafts of an amount of Rs.25,000/- each in the name of four victims, i.e. Lakhvir Singh, Mukhtar Singh, Baljit Singh and Kashmir Singh and hand over the same to the Investigating Officer within a period of 4 weeks from today and the Investigating Officer is directed to hand over the same to the above said victims after taking receipt from them.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period 4 weeks from today, then the interim order granted is liable to be vacated.

The above said payment to the victims would be not construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

September 15, 2022. ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has submitted four demand drafts of Rs.25,000/- each totaling Rs.1 lac to the Investigating Officer.

Learned State counsel, on instructions from ASI Lakhwinder Singh, has submitted that the petitioner has joined investigation and is not required for custodial interrogation. It is further submitted that four demand drafts have been received by the Investigating Officer on 20.10.2022 in the evening and the Investigating Officer will hand over the same to the above said four persons within a period of two weeks from today and he will take the receipt from them.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 15.09.2022,

and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 15.09.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

October 21, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No