

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

CRM-M-50337-2021

Date of Decision: 09.02.2022

Karnail SinghPetitioner

Vs.

State of PunjabRespondent

CRM-M-51965-2021

Surinder KumarPetitioner

Vs.

State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioner in CRM-M-50337-2021.

Mr. Suneet Singh Deol, Advocate,
for the petitioner in CRM-M-51965-2021.

Mr. M.S.Nagra, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

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On 02.12.2021, the following order had been passed by this
court:-

“By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.21, dated 28.9.2021, having been registered at Police Station Vigilance Bureau Range, Jalandhar, alleging therein the commission of offences punishable under Sections 409/420/466/468/ 471/474/120-B of the IPC.

Learned counsel for the petitioner other than denying the involvement of the petitioner at all in the commission of the offence, submits that in any case with the documents in question already having been recovered, there would be no need for the petitioners' custodial interrogation.

As regards the first contention for the petitioners' not being involved, obviously this court will not make any comment thereon at this stage but with it to be observed that in the FIR itself, he has been specifically named as one of the two persons who allegedly forged the signatures/thumb impressions of the complainants' mother, for the purpose of distribution of wheat over a period of time.

However, the second contention of learned counsel for the petitioner that the petitioners' custodial interrogation may not be required, does merit consideration at this stage at least, and consequently notice of motion is issued.

Mr.Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court.

Adjourned to 31.1.2022.

In the meanwhile, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually 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, in terms of the order of this court.

A gazetted officer is directed to file a reply to the petition.”

Pursuant thereto an affidavit has been filed by the DSP, Vigilance

Bureau, Jalandhar, which is ordered to be taken on record.

In the said reply, the DSP has stated that the petitioner joined investigation on 06.12.2021, but since there are specific allegations against him and his co-accused (the petitioner in the accompanying petition), of procuring wheat from the government and distributing it to persons who were financially sound, instead of to eligible beneficiaries, the petitions deserve to be dismissed.

However, learned State counsel submits that, as per his instructions from Inspector Rajwinder Kaur, i.e. the investigating officer, the custodial interrogation of neither of the petitioners is required, after they joined investigation.

As already observed in the order dated 02.12.2021, this court had not made any comment on the merits of the case other than stating that the allegation against the petitioner is that he was one of the two persons who allegedly forged the signatures/thumb impressions of the complainants' mother for the purpose of distribution of wheat over a period of time, with him having been ordered to be admitted to interim bail on the ground that the documents in question were already available with the investigating agency, and no specific reason having been given by the DSP as to why his custodial interrogation would be required and further with the investigating officer having given the instructions as aforesaid to the learned State counsel, the petitions are disposed of with the order dated 02.12.2021 made absolute on the same terms and conditions; but with it again made absolutely clear that admitting the petitioner to bail would not reflect in any manner whatsoever the opinion of this court on the merits of the case and naturally that would be considered by the competent

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court at the appropriate time.

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A similar order having been passed in this case also on December 14, 2021, the said order is also made absolute for the reasons given hereinabove in the connected petition and with the same observations again reiterated in the context of this petition also by this court.

(A photocopy of this order be placed on the file of the connected case).

February 09, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO