

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M- 49198-2022

Date of decision: - 05.12.2022

Netar Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Kusum Raj, Advocate for
Mr. ADS Jattana, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.307 dated 26.08.2021, under Sections 419, 420, 465, 467, 468 and 471 IPC read with Section 120-B IPC and Section 82 of the Registration Act, 1908, at Police Station Sohana, District SAS Nagar.

On 21.10.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that Gurjant Singh @ Ganta son of the complainant-Harjinder Kaur alongwith Gurpreet Singh who are known to each other, had come to the present petitioner to prepare a GPA on behalf of Gurjant Singh and his mother Harjinder Kaur in favour of Gurpreet Singh and had requested the present petitioner to sign as a witness. It is further submitted that the petitioner knew Gurjant Singh but did not know his mother personally and

thereafter, on the date of attestation, Gurpreet Singh came alongwith a lady who identified herself as Harjinder Kaur and presented her Aadhaar Card bearing No.96147890766 for verification and stated that she was Harjinder Kaur and the petitioner, after seeing the Aadhaar Card which showed photograph of unknown lady, attested said GPA. It is contended that a specific query was made by the petitioner to the said lady about Gurjant Singh who had not come alongwith said lady posing herself to be Harjinder Kaur and said lady had informed that said Gurjant Singh was not feeling well. It is further contended that the moment, the petitioner came to know about the fraud committed by Gurpreet Singh upon the complainant, he had filed a representation dated 05.04.2021 (Annexure P-4) to Senior Superintendent of Police, SAS Nagar and the said representation was moved prior to the registration of the present FIR. It is argued that the petitioner is not involved in any other case. It is also contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.75,000/- to the complainant within a period of one month from today, without admitting his liability.

Notice of motion for 05.12.2022.

In the meantime, in the event of arrest, the petitioner shall 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 a demand draft of Rs.75,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of one month from today, who shall further handover the same to the complainant after getting receipt from her.

It is made clear that in case, the demand draft of Rs.75,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of one month from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

*The payment of the amount of Rs.75,000/- would not be construed as an admission of guilt by the petitioner.
21.10.2022 "*

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, a demand draft of Rs.75,000/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from HC Manpreet, has submitted that the petitioner has handed over the demand draft to the Investigating Officer and the petitioner has joined investigation and is not required for further investigation

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 21.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 21.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

December 05, 2022
Davinder Kumar/sunena

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No