

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-50477-2022
Decided on : 15.12.2022

Major Singh @ Mejor Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. P. S. Mirpur, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. D. S. Bhinder, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 74 dated
09.09.2022 under Section 406 IPC registered at Police Station Nandgarh,
District Bathinda.

On 10.11.2022, this Court was pleased to pass the following
order:

*“Learned counsel for the petitioner inter alia contends
that the present FIR has been registered at the behest of
Jasdeep Singh who is nephew of the petitioner with whom the
son of the petitioner has an ongoing civil litigation which is
pending and in the said civil litigation, he has the interim order
dated 29.06.2022 passed by the Additional Civil Judge (Senior
Division) (Annexure P-2) in his favour. It is further submitted
that the petitioner had given an application to SDO, Punjab
State Power Corporation Limited Gidderbaha in which he had*

stated that the Government transformer had been burnt and it had been found that the transformer was lying in the house of the present petitioner. It is contended that the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.60,000/- with the Electricity Department, State of Punjab within a period of one month from today, without admitting his liability.

Notice of motion for 15.12.2022.

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 deposit an amount of Rs.60,000/- with the Electricity Department, State of Punjab within a period of one month from today and produce the receipt of the same on the next date of hearing.

It is made clear that in case, the said amount is not deposited within the time stipulated, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.60,000/- would not be construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 10.11.2022, the petitioner has joined the investigation and has deposited the amount of Rs.60,000/- with the Electricity Department.

Learned counsel for the State, on instructions from HC Jagdeep Singh, has submitted that the petitioner has joined the

investigation and is not required for any further custodial interrogation and has also reiterated the fact that the amount of Rs.60,000/- has been deposited with the Electricity Department.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 10.11.2022 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 10.11.2022 is ordered to be made absolute.

However, 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 application.

(VIKAS BAHL)
JUDGE

15.12.2022
Mehak

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