

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-54569-2021

Date of Decision :02.03.2022

Sunny Kumar @ Kaka

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Ranjit Singh Ghumman, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.24 dated 26.11.2021 registered under Sections 420, 465, 467, 468, 471 and 120-B of the IPC at Police Station Vigilance Bureau Patiala.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by this Court on 05.01.2022. Order dated 05.01.2022 is as under:-

“The 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.24 dated 26.11.2021 registered under Sections 420, 465, 467, 468, 471 and 120-B of the IPC at Police Station Vigilance Bureau Patiala.

Learned counsel for the petitioner argues that the allegations alleged against the petitioner are that he was working as an agent of the officials of the Department of Transport to secure bribe and the complainant had paid money to him to get his truck registered, which truck

was wrongly registered by the DTO and the Regional Transport Office as the due process as envisaged under law was not followed, due to which, the complainant has suffered harassment as his truck got impounded.

Learned counsel for the petitioner submits that not only the allegations alleged against the petitioner are false but, the incident in question relates to the year 2018, whereas, the present FIR has been registered in the year 2021 i.e. after the period of three years. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and he is also ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 02.03.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State of Punjab.

Learned State counsel submits that the present FIR has been registered after enquiring into the complaint filed by the complainant, wherein serious allegations have been made against the petitioner as well as the officials of the Department of Transport, Government of Punjab. Learned State counsel further submits that as the allegations of payment of bribe by the complainant to the petitioner has been alleged in the complaint, custodial interrogation of the petitioner is necessary.

Learned counsel appearing for the complainant submits that the complainant is aggrieved on two accounts as initially the complainant was made to pay bribe to get his truck registered, which was though, registered but not by following due process as envisaged under law, due to which, the complainant has suffered harassment as his truck was impounded. Learned counsel appearing for the complainant further submits that in order to unearth the truth behind the allegations, custodial interrogation of the petitioner is necessary.

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

At this juncture, this Court is not opining upon the guilt or innocence of the petitioner. The only question before this Court is whether the purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in investigation to elicit the truth behind the

allegations or custodial interrogation of the petitioner is necessary. Keeping in view the facts and circumstances of this case especially, as nothing is to be recovered from the petitioner as of now, the purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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 them 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.”

Learned State counsel on instructions from ASI, Rulda 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 05.01.2022 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.

March 02, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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