

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-54717-2021

Date of decision: 28.03.2022

PANKAJ KUMAR

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Jagbir Singh Brar, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab
for the respondent/State.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 204 dated 10.12.2021 registered under Sections 420/467/468/471/447/511/427/120-B of the Indian Penal Code, 1860 at Police Station Sidhwan Bet, District Ludhiana.

While issuing notice of motion on 31.12.2021, Co-ordinate Bench of this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 31.12.2021 reads as under :-

“Counsel for the petitioner submits that the dispute is purely civil in nature and a civil suit (Annexure P-1) instituted by the complainant is pending. Still further, he submits that the petitioner is neither the signatory nor the beneficiary under the documents alleged to have been forged.

Notice of motion.

On asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 28.03.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C..”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 31.12.2021, submitted that in compliance with order dated 31.12.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Sukhjit Singh, acknowledged that in compliance with order dated 31.12.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 31.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall join the investigation as and when called

upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

28.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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