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

CRM-M-54075-2022

Date of decision : 13.12.2022

Kulwinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Ms. Malini Singh, Advocate and
Ms. Sheffaly Goyal, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.95 dated 06.10.2022 registered under Sections 465, 466, 467, 468, 471, 419, 420, 120-B of Indian Penal Code, 1860 at Police Station City Morinda, Rupnagar, Punjab.

On 21.11.2022, this Court had passed the following order:-

“Learned Senior Counsel for the petitioners inter alia contends that neither the petitioners are named in the FIR nor they are stated to have received any money. It is further submitted that in fact, the complainant is Dharam Singh who has specifically stated in the Panchayat Compromise (Annexure P-3) that the petitioners have not committed any

cheating or fraud with him. It is contended that in spite of the same, the Investigating Officer had proceeded against the present petitioners and thus, representation dated 15.11.2022 (Annexure P-4) was given to the Senior Superintendent of Police, District Roopnagar by the complainant specifically stating that neither the present petitioners had signed any agreement to sell, nor they were involved in any alleged offence. It is further contended that in spite of the above, the Additional Sessions Judge, Rupnagar has dismissed the anticipatory bail application of the petitioners and has relied upon the statement recorded on 12.11.2022 whereas subsequent to the said statement, representation dated 15.11.2022 had also been given.

Notice of motion.

On advance notice, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears on behalf of the State and Mr. Dinesh Maurya, Advocate for Mr. Y.S. Dhaliwal, Advocate appears on behalf of the complainant and has also reiterated the fact that the matter has been compromised as far as the present petitioners are concerned and the petitioners have not committed any offence and the complainant has no objection in case, the present anticipatory bail is allowed.

Adjourned to 13.12.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.”

Learned Senior Counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 21.11.2022, the petitioners have

joined the investigation.

Learned counsel for the State, on instructions from ASI Gurcharan Singh, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 21.11.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 21.11.2022 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.

13.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No