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

CRM-M-7760-2023 (O&M)

Date of Decision: 06.07.2023

TEJINDER SINGH @ TARZAN

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.13 dated 16.01.2023 registered under Sections 420, 473 and 506 IPC at Police Station Division B, District Police Commissionerate Amritsar, who apprehends his arrest at the hands of Police.

On 14.02.2023, this Court had passed the following order:

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.13, dated 16.01.2023, under Sections 420, 473, 506 of the IPC, 1860, registered at Police Station Division B, District Police Commissionerate Amritsar.

Learned counsel for the petitioner contends that there is six months delay in lodging of present FIR, wherein the complainant continued to use the said vehicle under the alleged registration number which is now being stated to be of some other motor cycle bearing No. PB 88 6656. He also contends that the Vasika Navis (Deed writer) ought to have been investigated by the police who is the best person to divulge the truth behind the concoction of instant FIR.

Learned counsel for the petitioner has also urged that the question as to why the complainant continued to use the said vehicle for six months till the car was nabbed by the police, which he has used for more than two years i.e., since 26.07.2021.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State and states that the petitioner is guilty of committing fraud upon the

complainant who has not given the original documents despite making payment of Rs.5,00,000/-. He has further drawn attention of this Court to the photographs attached as Annexure P-2 showing the pictures of the complainant with the car in question even prior to 26.07.2021. Meaning thereby he was also in possession of said car though, he provided a false information to the petitioner stating that he purchase the car on 26.07.2021.

Be that as it may, it is apparent from the record that even the complainant is not a bonafide purchaser as can be easily inferred from mechanical examination of the assertions made in the FIR for the purpose of anticipatory bail at this stage. To the mind of this Court, further custodial interrogation of the petitioner is not required for any purpose to get the original documents of the vehicle in question. The said purpose can be easily fulfilled in case the petitioner wishes to join the investigation for which the counsel for the petitioner has already shown his willingness.

In light of the aforesaid facts and circumstances, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 06.07.2023. ”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by ASI Roop Lal, states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.02.2023 is made absolute.

06.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No