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

**CRM-M-12346-2023 (O&M)
Date of decision : 06.07.2023**

Baljinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. HPS Sandhu, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Surinder Pal.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.138 dated 19.12.2022, under Sections 420, 467, 468 & 471 of the Indian Penal Code, 1860 (for short, '*the IPC*') registered at Police Station Sandaur, District Malerkotla.

2. It transpires that above FIR was registered on the basis of statement made by Ramandeep Kaur, wife of the petitioner, to the effect that petitioner in connivance with the Bank Manager, got the proceeds of a joint Fixed Deposit amounting to Rs.16.00 lakh transferred to his personal bank account.

3. This Court, on 14.03.2023 granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“Instant petition has been filed under Section
438 Cr.P.C. praying for grant of anticipatory bail to the*

petitioner in case FIR No.138, dated 19.12.2022, under Sections 420, 467, 468, 471 IPC, registered at Police Station Sandaur, District Malerkotla.

*It has been contended by counsel for the petitioner that petitioner and the complainant are husband and wife and there is a matrimonial dispute between both of them. He submits that petitioner is serving in Army and as the complainant and her family members attacked the petitioner and his family, on account of the same, the petitioner had to lodge FIR No.71, dated 29.08.2022, under Sections 452, 323, 427, 506, 148 and 149 IPC, registered at Police Station Sherpur. He submits that as a counter-blast to the same, on the basis of false and frivolous allegations, the complainant has lodged the present FIR only in order to compel the petitioner to withdraw the aforementioned FIR No.71, dated 29.08.2022. He submits that the petitioner has committed no forgery, as alleged in the FIR and thus, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same. He has relied upon judicial precedent of Hon'ble Apex Court in **Arnesh Kumar vs State of Bihar and another**, 2014(3) SCC (Crl.) 449.*

Issue notice of motion for 06.07.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the

*following conditions as envisaged under Section 438(2)
Cr.P.C.:-*

*“(i) That the petitioner shall make himself available
for interrogation by a police officer as and when
required to do so;*

*(ii) That the petitioner 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 him from disclosing such facts to
the Court or to any police officer;*

*(iii) That the petitioner shall not leave India without
prior permission of the Court.”*

*State is directed to file status report on or
before the next date of hearing.”*

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 14.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

06.07.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes

Yes

No

No