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

**CRM-M-25324-2023
Date of Decision: 18.05.2023**

Taranjit Singh Kohli

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Piyush Khanna, Advocate and
Mr. Karajveer Singh, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.145 dated 23.08.2019, registered under Sections 420, 467, 468, 471, 406 and 34 of the Indian Penal Code, at Police Station City Rupnagar, District Rupnagar, Punjab, wherein the petitioner has been summoned as an additional accused under Section 319 Cr.P.C., vide order dated 01.04.2023 (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner is an old man of about 70 years of age and he has been falsely implicated in the FIR and has now wrongly been summoned as an additional accused vide order dated 01.04.2023 (Annexure P-1) passed by the Court of Chief Judicial Magistrate, Rupnagar on the ground that in the challan, the petitioner was kept in Column No.2 by stating that an inquiry is pending. Learned counsel

for the petitioner submits that he is not involved in the alleged offence. It is

stated that the perusal of the FIR indicates that the petitioner has neither received any money nor has any direct involvement in the alleged offence. Learned counsel for the petitioner submits that custodial interrogation of the petitioner is not required and he is only to face trial in the present case. Learned counsel next submits that the application for grant of anticipatory bail moved by the petitioner before the Court of learned Additional Sessions Judge, Rupnagar has been wrongly declined, vide order dated 04.05.2023 (Annexure P-3). Learned counsel for the petitioner contends that the petitioner is still ready and willing to join the proceedings and accordingly, prayer for grant of anticipatory bail has been made.

3. Notice of motion.

4. On the asking of the Court, Mr. Harjinder S. Sidhu, A.A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent/State. Learned State counsel has although opposed the prayer for grant of anticipatory bail to the petitioner by submitting that the investigating agency after concluding the investigation presented the challan against co-accused Malkiat Kaur @ Neena Sharma whereas applicant-accused and Gurwinder Singh Bawa were kept in column No.2 of the report under Section 173 Cr.P.C. on the ground that they were not arrested so far and the arrest warrant against them were obtained, but till date neither they were arrested nor any supplementary challan was presented against them. It is further submitted that no doubt applicant-accused has been summoned as additional accused under Section 319 Cr.P.C., but he was not found innocent during investigation conducted by the investigating agency rather he has managed to escape his arrest since August, 2019. Learned State counsel submits that the applicant-accused was kept in column No.2 of the report under Section 173 Cr.P.C. by stating that

supplementary challan will be presented against him and co-accused Gurwinder Singh @ Bawa as and when they were arrested.

5. In rebuttal, learned counsel for the petitioner submits that the petitioner is of old age and is suffering from diabetes and has no criminal antecedents. Learned counsel for petitioner submits that the petitioner has retired from a dignified job profile as a Banker and his two sons are settled in America. It is submitted that the petitioner had appeared before the Investigating Officer as and when called for and even his statement was recorded wherein, he had stated that his limited association with the Firm was regarding checking accounts as earlier he was working with Punjab and Sind Finance at a managerial position. Learned counsel for the petitioner further submits that the petitioner undertakes and is ready and willing to join the investigation and co-operate with the police, as and when required by the investigating agency/police. It is submitted that the petitioner shall also abide by any condition(s), as may be imposed by this Court or by trial court.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance.

7. Concededly, the petitioner is an old man of about 70 years of age, who has been summoned under section 319 of the Code of Criminal Procedure vide order dated 01.04.2023 passed by Chief Judicial Magistrate, Rupnagar. It is noted that Section 438 of the Code of Criminal Procedure does not confer a right on an accused to be granted discretionary relief of anticipatory bail, however, its plea would deserve consideration, if appearance of additional accused can be secured and the Court is satisfied that he would cooperate during the proceedings. Further, at the stage of proceedings under Section 319 of the Code of Criminal Procedure, some deposition of prosecution witness(s) is before the Court and on consideration

of same, additional accused is summoned and such accused is entitled to pray for the concession of anticipatory bail.

8. Considering the totality of the facts and circumstances as mentioned above especially the fact that the petitioner has been summoned under Section 319 Cr.P.C. to face the trial, I deem it proper to dispose of this petition with a direction to the petitioner to surrender before the trial Court within a period of two weeks from today and also join any further investigation, if required. It is further directed that in the event, the petitioner surrenders and appears before the trial Court within two weeks from today, then he be admitted to bail to the satisfaction of the trial Court. In the meantime, no coercive steps be taken against him.

9. In case, the petitioner does not surrender before the trial court within the stipulated period of two weeks, then this petition shall be deemed to have been dismissed.

10. Nothing stated above shall be construed as an expression of opinion on the merits of 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 petition.

11. The petition is accordingly disposed of.

18.05.2023*Himani***(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |