

CRM-M-30365-2022

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30365-2022
DATE OF DECISION:-28.03.2023

Rahul Sharma ...Petitioner.

Vs.

State of Punjab ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. V.K. Kaushal, Advocate for the complainant.

HARKESH MANUJA, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner, in case FIR No.0079 dated 22.05.2022, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Chattiwind, District Amritsar Rural.

On 20.07.2022, this Court passed the following order:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 79 dated 22.05.2022, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Chattiwind, District Amritsar Rural.

Learned counsel for the petitioner submits that the FIR was registered on the complaint of Surjit Kaur; that the only allegation against the petitioner is that he is a attesting witness to the lease deed dated 13.04.2019 executed between co-accused Harpreet Singh and the complainant, except that no role has been attributed to the petitioner and that said Harpreet Singh has been granted ad interim anticipatory vide order of even date.

Notice of motion for 03.11.2022.

At this stage, Mr. Vinod Kumar Kaushal, Advocate, appears and files power of attorney on behalf of the complainant in the Court, which is taken on record.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

On 29.11.2022, this Court passed the following order:-

“Vide order dated 20.07.2022 passed by this Court, the petitioner had been directed to join investigation.

Learned State counsel, on instructions from ASI Sukhraj, submits that the petitioner has not joined investigation so far.

Learned counsel for the petitioner prays that one more opportunity be granted to the petitioner to join investigation.

In view of the above, the petitioner is again directed to join investigation within 20 days from today or any other date convenient to the Investigating Officer.

Adjourned to 02.03.2023.

Interim order to continue.”

Learned State counsel, on instructions from ASI Sukhraj Singh, submits that in compliance of aforesaid order dated 20.07.2022 as well as 29.11.2022, petitioner has joined the investigation and is no more required for further interrogation.

Having considered the aforesaid facts and circumstances of the case, the petition is allowed. Order dated 20.07.2022 passed by this Court is hereby made absolute.

28.03.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No