

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217 CRM-M-35813-2023
Date of decision: 04.09.2023

Pooran Chand ..Petitioner

Versus

State of Punjab ..Respondent

CRM-M-37888-2023

Hari Om Sharma ..Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 26.07.2023 and 04.08.2023, this Court had passed the following orders:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.120 dated 27.06.2023, registered under Sections 384/385/120-B IPC at Police Station Sadar Fazilka, District Fazilka.

Learned counsel contends that the petitioner has been falsely implicated in the present FIR on account of fact that he had filed FIR No.269 dated 30.09.2021, under Section 420 IPC with regard to embezzlement of funds against Sarpanch of one Panchayat in village Rana, District Fazilka. It is only thus that the FIR in question has been got registered against the petitioner on false allegations by the wife of the Sarpanch of the second panchayat namely Nava Rana of the same village, to put pressure upon the petitioner to compromise in the above FIR. The son of the petitioner had taken money from one Sehgal on interest basis through the complainant in the present FIR, she being the mediator. The petitioner

is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 02.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 04.09.2023.”

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.120 dated 27.06.2023, registered under Sections 384, 385, 120-B IPC at Police Station Sadar Fazilka, District Fazilka.

Learned counsel contends that the petitioner and his father-Pooran Chand, have been implicated in the present FIR on account of the fact that his father had got registered an FIR No.269 dated 30.09.2021, under Section 420 IPC with regard to embezzlement of funds against Sarpanch of one Panchayat in village Rana, District Fazilka. It is only thus that the FIR in question has been got lodged on false allegations by the wife of the Sarpanch of the second panchayat namely Nava Rana of the same village, so as to put pressure on them to compromise in the matter involved in the above FIR. The petitioner had only taken money from one Sehgal on interest basis through the complainant in the present FIR, she being the mediator. The co-accused- Puran Chand has been granted interim anticipatory bail by this Court vide order dated 26.07.2023, Annexure P-3. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 14.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to

compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 04.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.
3. Learned State counsel on instructions from SHO Baljit Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners are allowed and the order dated 26.07.2023 and 04.08.2023 granting interim bail to them, are hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.
6. Photocopy of this order be placed on the connected file.

04.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No