

206(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37943-2023
Date of decision: 03.11.2023

VAKESH KUMAR
V/S
STATE OF PUNJAB
...PETITIONER
...RESPONDENT

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. S.S. Kang, Advocate for
Mr. T.S. Grewal, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA J. (ORAL)

On 05.10.2023, the following order was passed by this Court:-

“1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
82	10.06.2023	Police Station City-1, Malerkotla, District Malerkotla, Punjab	419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860

2. Learned counsel for the petitioner relies upon the order dated 21.07.2023 passed by this Court in CRM-M-35021-2023. The order is as under:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.82 dated 10.06.2023, registered at Police Station City-1, Malerkotla, District Malerkotla, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioner contends that one Vakesh Kumar, a friend of the petitioner, moved an application for releasing one Fortuner Sigma bearing registration No.PB19Q-9000 on sapurdari; that in the office of his advocate, aforesaid Vakesh Kumar met two coaccused, who had stood sureties for the release of the vehicle in favour of Vakesh, by impersonating themselves as Sachit Verma and Jaspreet Singh, and that the petitioner being a friend of Vakesh had attested the surety bonds. It is further submitted that the petitioner had no clue that the said sureties are impersonating themselves as Sachit Verma and Jaspreet Singh, therefore, no offence as alleged can be stated to have been committed by the petitioner.

Notice of motion.

On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and seeks time to file the status report.

Adjourned to 08.08.2023.

In the meantime, arrest of the petitioner shall remain stayed.”

3. *Learned counsel for the petitioner submits that he is at parity, the co-accused in whose petition, notice of motion was issued on 21.07.2023 and his arrest was stayed. He claims parity for the petitioner.*

4. *Learned State Counsel in advance, accepts notice and on instructions submits that the petitioner was specifically named by the co-accused, however he is not in a position to dispute the parity with the co-accused for grant of interim protection.*

5. *Notice of motion for 03.11.2023.*

6. *In the meantime, arrest of the petitioner is stayed subject to joining of the investigation within ten days.”*

2. Today, on instructions from ASI Balbir Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 05.10.2023 and is no longer required for further investigation.

3. In view of the above circumstances, but, without commenting upon merits of the case, the present petition is allowed, and the petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/surety bonds to the satisfaction of the Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Seciton 438(2) Cr.P.C.

4. Disposed of.

November 03, 2023
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(DEEPAK GUPTA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |