

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-48249-2023 (O&M)

Date of Decision:22.11.2023

Harjinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Dr. RAU P.S. Girwar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by SI Nichatar Singh.

DEEPAK GUPTA, J.(ORAL)

On 25.09.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.97 dated 19.08.2023 registered under Sections 379, 506, 427 of the IPC registered at Police Station Phool, District Bathinda.

FIR was lodged on the complaint of Sukhpal Singh, as per which on the night of 16.08.2023 petitioner Harjinder Singh along with one Gurmeet Singh had stolen belongings of the motor starter from his field, damaged the transformer shed and pipe and also caused damage to motorcycle.

It is contended by learned counsel for the petitioner that FIR has been lodged after a delay of 03 days i.e. 19.08.2023. It is contended that petitioner had earlier filed a civil suit against the complainant on 31.03.2023, in which stay was granted in his favour vide Annexure P-3. Petitioner also made a complaint against the complainant to SSP, Bathinda on 08.05.2023, copy of which is Annexure P-4. The entire dispute is on account of the Will by Thana Singh, the grandfather of the petitioner, which was executed on 29.02.2012 in favour of petitioner and his brother; and that complainant being the paternal uncle of the petitioner is aggrieved by

that Will and so has falsely implicated the petitioner.

Notice of motion.

At the asking of the Court, Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State.

Adjourned to 22.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from SI Nichatar Singh, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 25.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Pending application(s), if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

November 22, 2023

Neetika Tuteja

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No