

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-5108-2024

Date of Decision : 04.04.2024

HARJEET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Salana, Advocate,
for the petitioner.

Mr.Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 01.02.2024, the following order was passed by this

Court:-

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.353 dated 04.12.2023, under Sections 409, 420, 465, 467, 468, 471, 120-B of the IPC, registered at P.S. City Rajpura, District Patiala.

2. The genesis of the prosecution case is embedded in a complaint made by the Executive Officer, Municipal Council, Rajpura, wherein, allegations qua forgery of bus stand fee receipts were levelled against one Gagan Kumar and Mohit Kumar.

3. The learned counsel for the petitioner has submitted that neither the petitioner has been nominated as an accused in the present FIR, nor any role has been attributed to him, rather he is the whistleblower in the present case, as it was him, who had moved an application before the higher authorities of Municipal Council, Rajpura, disclosing therein, the commission of fraud (supra) by Gagan Kumar and Mohit Kumar. Except the disclosure statement of co-accused, based solely upon which, the petitioner has been arrayed as an accused, there is no other inculpatory evidence against him.

4. Furthermore, to show the bona fide of the petitioner, the learned counsel for the petitioner has submitted that earlier when the petitioner acquired apprehension qua his false implication in instant FIR, he had approached this Court through filing CRM-M-60946-2023, whereupon, a Co-ordinate Bench of this Court had, through drawing the order dated 04.12.2023 (Annexure P-1), directed the S.S.P., Patiala to decide the representation of the petitioner.

5. Lastly, the learned counsel for the petitioner has submitted that the petitioner has clean antecedents, as post his appointment as

Clerk in the Municipal Council, Rajpura, in the year 1984, no criminal action or departmental/disciplinary inquiry has been initiated against him, rather owing to his utmost honesty and dedication, he has been promoted as Inspector in the Municipal Council, Rajpura, in 2019.

6. Notice of motion for 04.04.2024.

7. Mr. P.S. Pandher, A.A.G, Punjab, accepts notice on behalf of respondent-State of Punjab.

8. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by the police official, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 01.02.2024 is, hereby, made absolute.

April 04, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No