

S. No.201

2024:PHHC:039463

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11671 of 2023

Date of Decision:19.03.2024

Gurwinder Singh alias Baggar

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. H.S. Mann, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. R.S. Sidhu, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

On 09.03.2023, the following order was passed by a co-ordinate

Bench of this Court:-

“CRM-11045-2023

Allowed as prayed for. CRM stands disposed of.

CRM-M-11671-2023

Learned counsel for the petitioner inter-alia contends that the petitioner is the Sarpanch of village Bhutal Kalan and in that capacity has been falsely embroiled in this case for political considerations; the petitioner has no other criminal antecedents; in fact, on account of the achievements of the petitioner village Bhutal Kalan was awarded the prestigious Deen Dayal Upadhyay Panchayat Sashaktikaran Puraskar; the community hall in question has and will always be used for the benefit of the community and not for any private purpose or for profitable reasons of any institutions; the issue with regard to change of name of the community hall is pending before the Financial Commissioner (Panchayats), Punjab and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Arun Luthra, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 09.05.2023.

In the meanwhile subject to the petitioner’s joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.31, dated 11.02.2023, registered under Sections 465, 467, 471 IPC at Police Station Lehra, District Sangrur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Today, it is informed by learned State Counsel that the petitioner has already joined the investigation. He further informs that the petitioner is no longer required for any further custodial interrogation.

However, making the interim order as absolute is opposed by learned counsel for the complainant, who submits that order dated 09.03.2023 was obtained by the petitioner by misrepresenting the facts inasmuch as the matter was still pending before the Financial Commissioner, Punjab.

The afore-said allegation is repelled by learned counsel for the petitioner.

Afore-said contention/ counter contention shall be a matter of trial. As far as present petition is concerned, as per the learned State Counsel, the petitioner is no longer required for any custodial interrogation. Therefore, the order dated 09.03.2023 is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

March 19, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No