

S. No.201

2024:PHHC:039431

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12395 of 2023

Date of Decision:19.03.2024

Jagdev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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 13.03.2023, the following order was passed by a co-ordinate

Bench of this Court:-

“Learned counsel for the petitioner inter alia relies on the issuance of notice of motion and grant of interim protection to the main accused Gurwinder Singh @ Baggar who had earlier approached this Court through CRM-M-11671-2023- Gurwinder Singh @ Baggar vs. State of Punjab.

Notice of motion.

Mr. Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent and prays for time to argue the matter.

Adjourned to 09.05.2023.

To be heard alongwith CRM-M-11671-2023.

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 and 471 IPC at Police Station Lehra, District Sangrur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date, the State shall file a status report after consideration of which further orders in the present petition shall be passed.”

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 13.03.2023 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 13.03.2023 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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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No