

201 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-14690-2024 (O&M)
Date of Decision: 20.04.2024

Hardeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab
assisted by ASI Harvinder Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.20 dated 23.01.2024 registered under Sections 419 & 420 IPC at Police Station, Tripuri, District Patiala.

2. As per allegations, petitioner impersonated one Pardeep Kumar at the time of registration of sale deed in the year 2014.

3. It transpires that petitioner was granted interim bail vide order dated 21.03.2024.

4. Learned State counsel has apprised the Court that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required, at this stage.

5. Heard learned State counsel and perused the paper-book.

6. A Coordinate Bench of this Court vide order dated 21.03.2024, granted interim bail to petitioner and the same reads as under:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as

Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.20 dated 23.01.2024 registered under Sections 419, 420 IPC at Police Station Tripuri, District Patiala.

Learned counsel appearing for the petitioner inter alia contends that the genesis of the dispute is purely civil in nature and the allegation against the petitioner is that he has appeared in place of Pardeep Kumar at the time of registration of the sale deed in the year 2014. The said Pardeep Kumar has never lodged any complaint against the petitioner. The maximum punishment provided for the offence alleged to be committed in the FIR (supra) is upto 7 years and no notice under Section 41-A Cr.P.C. was served upon the petitioner. As such, in view of the ratio of law culled out in the judgment rendered by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51, the petitioner is entitled for bail.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that he is habitual offender and involved in three more cases.

*In view of the law laid down by the Hon'ble Supreme Court in **Prabhakar Tewari vs. State of Uttar Pradesh (2020) 11 SCC 648**, pendency of other criminal cases cannot be sole ground for rejection of the bail application and keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 28.03.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear

before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.04.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

7. As per learned State counsel, in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required. Consequently, interim order dated 21.03.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Disposed off accordingly.
11. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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