

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16551-2024
Date of decision: 06.05.2024

BALWANT KAURPETITIONER

VERSUS

STATE OF UT CHANDIGARHRESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Dr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Tejaswini, Advocate for the petitioner.

Mr. Manish Bansal, P.P. U.T. Chandigarh.

SANJIV BERRY, J.(ORAL)

Status report dated 03.05.2024 in the form of an affidavit of Deputy Superintendent of Police, Economic Offences Wing, Sector 17, Chandigarh, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
0027	15.03.2024	406, 420 and 120-B of IPC	South, Sector-34, District Chandigarh.

3. Learned counsel for the petitioner submits that in compliance to the order dated 05.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 05.04.2024.

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4. Learned State counsel, on instructions from SI Harbans, submits that the petitioner has joined investigation in compliance to the order dated 05.04.2024 passed by this Court.

5. On being confronted, the investigating officer has not been able to explain as to how the petitioner has not cooperated in the investigation. The petitioner is 85 years old and during the course of hearing on 05.04.2024, following order was passed:

“2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner aged 85 years has been falsely implicated in the instant FIR (Annexure P-1). He contends that on the complaints moved by the complainant, a thorough inquiry was conducted by Economic Offences Wing and found vide report dated 22.06.2022 (Annexure P-8) that no cognizable offence was made out as the matter was civil in nature, which was forwarded by the Deputy Superintendent of Police concerned and the Superintendent of Police agreeing with the same had recommended the same to be filed and ultimately Inspector General of Police on 21.07.2022, agreed to the same. He contends that thereafter on the complainant moving an application, the matter was re-inquired allegedly by ASI Amarjeet Singh and recommended the registration of the instant case despite the fact that on the same allegations, a thorough inquiry had already been conducted vide Annexure P-8.

3. Notice of motion.

4. On the asking of the Court, Mr. Manish Bansal, P.P., U.T., Chandigarh, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

5. Mr. Raman Sharma, Advocate has put in

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appearance on behalf of the complainant to assist the learned State counsel and filed his memo of appearance, which is taken on record.

6. *Adjourned to 06.05.2024.*

7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”*

6. In compliance to the order dated 05.04.2024 the petitioner has joined investigation. Although, in the reply, the concerned Deputy Superintendent of Police has mentioned that the petitioner having been joined the investigation but contended that he did not cooperate which the investigating officer present in Court could not explain as to on what aspect more cooperation from the petitioner was required. Therefore, without commenting on the merits of the case and keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 05.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper

with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.05.2024
kanika

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |