



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17231-2024 (O&M)
Date of decision: 09.05.2024

Lakhwinder Singh
...Petitioner

Versus
State of Punjab and another
...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

 Mr. Neeraj Madaan, Sr. DAG, Punjab for respondent No.1.

 None for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.79, dated 10.09.2023, under Sections 420, 203, 211 & 182 of the Indian Penal Code, 1860, registered at Police Station Harike, District Tarn Taran.

(2) Allegations are that complaint was made by petitioner regarding snatching of Rs.8000/- cash and some household articles by some unknown persons, which was found to be false after investigation.

(3) Learned State Counsel, on instructions, apprised the Court that after careful examination of the matter, Sections 420, 203 & 211 IPC have



been deleted and necessary action is initiated against the erring police official. Learned State Counsel also acknowledged that petitioner was granted interim bail by this Court, vide order dated 16.04.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required as on today.

(4) Heard learned State Counsel and perused the paper-book.

(5) It is not in dispute that petitioner was granted interim bail by this Court on 16.04.2024 and the order in main case reads as under:-

“ On oral request of learned counsel for petitioner, Shri Kewal Singh, Station House Officer, Police Station Harike, District Tarn Taran is ordered to be impleaded as party/respondent No.2. Registry to carry out the necessary correction.

It appears prima facie that registration of present FIR under Sections 420, 203, 211 and 182 IPC is misuse of police powers.

Notice of motion.

On the asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab accepts notice on behalf of respondents-State and seeks time to have instructions in the matter.

Posted for 09.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.



Let contents of this FIR be brought to the notice of Senior Superintendent of Police, Tarn Taran and if need be, to take disciplinary action against respondent No.2. ”

- (6) It is acknowledged by learned State Counsel on instructions that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (7) In view of the above, present petition is allowed; interim order dated 16.04.2024 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 may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (10) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (11) Pending application(s), if any, shall also stand disposed off.

09.05.2024
Rajneesh/‘Gagan’

(MAHABIR SINGH SINDHU)
JUDGE

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