



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-19040-2024

Date of Decision: 13.05.2024

Prabhjeet Singh and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vivek Salathia, Advocate for the petitioners.

Ms. Aakansha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C. is for seeking concession of anticipatory bail to the petitioners in FIR No. 0042 dated 02.04.2024 registered under Sections 354, 323, 427, 506, 511, 34 IPC (Sections 379-B and 295 IPC were added later on by removing Section 379 IPC vide General Diary No. 20 dated 09.04.2024) at Police Station Chattiwind, District Amritsar Rural (Annexure P-1).

On 19.04.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the instant petition filed under Section 438 Cr.P.C. is for seeking concession of anticipatory bail to the petitioners in FIR No. 0042 dated 02.04.2024 registered under Sections 354, 323, 427, 506, 511, 34 IPC (Sections 379-B and 295 IPC were added later on by removing Section 379 IPC vide General Diary No. 20 dated 09.04.2024) at Police Station Chattiwind, District



Amritsar Rural (Annexure P-1).

Learned counsel for the petitioners inter alia submits that the allegations against the petitioners at best constitute an “attempt” for committing offence under the above said delineated Sections. Learned counsel for the petitioners contends that the complainant is a lawyer who represents the Bank of Baroda. It has been stated in the FIR that on the date of occurrence, i.e., 19.03.2024, the complainant had gone to the home of the petitioners to paste SARFAESI Court notice in respect of certain money owed by the mother of the petitioners to the Bank of Baroda.

The learned counsel states that the petitioners have a video recording of entire episode which bears out that the allegations made to the effect that the petitioners had snatched her mobile; snatched her hair; broke her nails and pushed her are absolutely incorrect, false and fabricated. It is stated that the complainant was not even touched by the petitioners. The Sarpanch of the locality was present at that time and no such occurrence had taken place. It is further submitted that after the said alleged incident on 19.03.2024, one time settlement proposal has also been submitted by the mother of the petitioners to Bank of Baroda, in which matter has been settled at Rs.15 lacs, out of which Rs. 3 lacs has been paid by the mother of petitioners to the Bank of Baroda, receiving of which is done by the complainant herself on 27.03.2024 as is evident from Annexure P-2 (the vernacular copy of the same is at page No. 32 of the paper-book).

Notice of motion.

Mr. Kunwarbir Singh, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State of Punjab.



In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required ;

ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

Learned counsel for the State is directed to file an affidavit as to the exact role of the petitioners alongwith the details of pending FIRs, if any, on or before the next date of hearing.

List on 13.05.2024. ”

Learned counsel for the petitioners submits that in compliance of the order dated 19.04.2024 passed by this Court, the petitioners have joined the investigation.

On instructions from ASI Baldev Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 19.04.2024 granting



interim bail to the petitioners is made absolute.

However, the petitioners will abide by the conditions stipulated under Section 438(2) Cr.P.C. They will also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

13.05.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No