



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-26897-2024 (O&M)
Date of Decision:- 31.07.2024

NISHAN SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

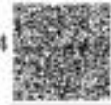
SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
83	12.07.2021	420, 465, 468, 471, 120-B IPC	City-1, Malerkotla, District Sangrur

2. Learned counsel for the petitioner has submitted that in compliance to the orders dated 24.05.2024 and 11.07.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel on the basis of *pairvi* report received by him has affirmed the factum that the petitioner has joined the investigation, however, on instructions from S.I. Darbara Singh received on telephone submits that the petitioner is further required for investigation to know about



the whereabouts of the co-accused.

4. Heard.

5. During the course of hearing on 24.05.2024, the following order was passed:-

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner being Nambardar has simply identified Gurnam Singh surety while furnishing surety bonds in the Court. He contends that the petitioner was not aware of the genuineness of the documents annexed by Gurnam Singh in support of surety and his role was only to identify the person, namely Gurnam Singh while furnishing surety bonds in the Court which he has done.

3. Learned counsel for the petitioner further contends that the petitioner has no criminal antecedents and has been falsely roped in the instant FIR. Hence, prays for grant of bail.

4. Notice of motion.

5. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent, and on instructions from SI Ram Karan, has not controverted the factual position and has submitted that the role attributed to the petitioner is that he being Nambardar, had attested and identified the said Gurnam Singh and prays for time to file the status report/reply in the matter.

6. Adjourned to 11.07.2024.

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, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

6. So far as the submission made by learned State counsel on instructions from S.I. Darbara Singh that the petitioner is required for further investigation to know about the whereabouts of the co-accused, this Court finds no justification in this submission and the aforesaid S.I. Darbara Singh should have known that it is the job of the Police to trace the accused, whose



particulars are already mentioned in the FIR itself and for this purpose the petitioner cannot be directed to join the investigation time and again.

7. Keeping in view the fact that the petitioner had joined the investigation consequent to the orders dated 24.05.2024 and 11.07.2024 passed by this Court, interim bail granted vide orders dated 24.05.2024 and 11.07.2024 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; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

(SANJIV BERRY)
JUDGE

31.07.2024
S.Sharma(syr)

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