

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35231-2023

Date of Decision : 27.02.2024

JAGJEET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Yogesh Aneja, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 11.12.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.84 dated 27.06.2023, under Section 406 IPC, registered at Police Station Vairoke, District Fazilka.

Today is the fourth opportunity to file status reply/status report. Learned State counsel seeks yet more time to file the same.

Learned counsel for the petitioner has argued that there is a delay of 04 years in lodging the FIR. It is submitted that petitioner is ready to join investigation and cooperate with the investigating agency.

At the request of learned State counsel, adjourned to 06.02.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/ Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2. Today, learned State counsel has filed a status report dated 19.02.2024, by way of an affidavit of Mr. Achhru Ram Sharma, DSP, Sub-Division Jalalabad, District Fazilka, today in the Court, which is taken on record.

3. Learned counsel for the petitioner after perusing aforesaid status report, submits that Section 201 of the IPC, be added in the head note as well as in the prayer clause of the petition.

4. The asked for request is allowed.

5. The Registry is directed to carry out the necessary corrections in the head note and the prayer clause of the petition, by adding Section 201 of the IPC.

6. As per the status report, the petitioner has joined investigation on dated 13.02.2024, and during investigation he has disclosed before the investigating officer that he has already sold out all the gold and silver ornaments of the complainant, and has used Rs.1 lakh of the complainant, and further he has refused to give any detail regarding the said ornaments and cash amount. Therefore, vide DDR No.30, dated 13.02.2024, offence under Section 201 of the IPC, has been added in the instant FIR.

7. Learned counsel for the petitioner submits that a perusal of the FIR, reveals that the complainant is the real aunt (*Bua*) with whom

petitioner has some monetary dispute.

8. He further submits that the allegation against the petitioner that he has taken away the gold and silver ornaments are totally vague, and that too according to the complainant herself, same have been taken by the complainant four years back.

9. He further submits that there is no description about the gold and silver articles, whether, these were in the form of coins, jewelry etc. hence, the veracity of such allegation is yet to be established.

10. Learned counsel for the petitioner further submits that through the instant petition, which has been filed under Section 438 Cr.P.C. by the petitioner seeking anticipatory bail, cannot be converted into a recovery suit.

11. On a specific query put to learned State counsel, he submits, on instructions imparted to him by ASI Harkesh Kumar, that though the petitioner has joined investigation, but the recovery of gold and silver articles and cash amount, is yet to be recovered from the petitioner.

12. The asked for relief is vociferously opposed by learned counsel for the complainant.

13. Be that as it may, this Court has considered the entire allegations, and submissions, as made by the learned counsel for the petitioner as well as learned State counsel, further assisted by the learned counsel appearing for the complainant.

14. Since the petitioner has joined the investigation and allegations which are levelled against him are under Sections 406 and 201 of the IPC, for which punishment prescribed as per statute is less

than 7 years, this Court deems it appropriate to allow the instant petition, and the order dated 11.12.2023, is hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

15. Ordered accordingly.

February 27, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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