

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-36421-2023

Date of decision: 10.01.2024

Balwinder Singh

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.93 dated 10.06.2023 under Sections 420, 467, 468, 471, 120-B of the IPC, registered at Police Station Sector 11, Chandigarh.

2. On 28.07.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submits that it is a case of false implication. The FIR is a counter blast to the complaints made by the petitioner against the complainant and her husband. He further relies upon the fact that four persons out of the five named in the complaint have given the affidavits that they don’t know the petitioner rather their houses were sold by Vikas @ Pardhan. Further that these persons filed a complaint before the Superintendent of Police, Chandigarh against Vikas, complainant and Sandeep. He further on instructions submits that petitioner is ready to give his specimen of his hand writing if so required.”

3. Learned counsel for the petitioner submits that it is a

matter of record that affidavits as many as 04 persons who had allegedly been allotted houses in Sector 25, Chandigarh by the petitioner on the basis of forged documents, had given affidavits to the investigating agency that the petitioner had no concern with the said allotments which fact has not been disputed by the learned State counsel on instructions from ASI Amarjeet Singh.

4. However, learned State counsel submits that though the petitioner has joined investigation but he has not been extending full cooperation inasmuch as some more relevant documents are required by the investigating agency.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Once the petitioner has joined investigation, merely on account of non-submission of the some documents, custodial interrogation of the petitioner cannot be ordered. Therefore, this Court deems it fit to extend the extraordinary concession of anticipatory bail to the petitioner moreso since it has not been disputed by the State that the persons who had allegedly been allotted houses in Sector 25, Chandigarh, by the petitioner, on the basis of forged documents had in their respective affidavits exonerated the petitioner.

7. Accordingly, the petition is allowed and interim order dated 28.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No