



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-38556-2024

Date of decision: 29.08.2024

SUKHWINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Harkirat Singh, 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
45	02.05.2024	420 of IPC	Haryana, District Hoshiarpur.

2. Learned counsel for the petitioner submits that in compliance to the order dated 09.08.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 09.08.2024 .

3. Learned State counsel, on instructions received from SI Daljit Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.

4. During the course of hearing on 09.08.2024 , following order was passed:



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“ 2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case by the complainant in connivance with the local police by converting the civil dispute into a criminal one. He further contends that the petitioner had been in business dealing with the complainant and out of Rs.5 lakhs transferred during the business dealings, he had already returned Rs.2.80 lakhs to the complainant as is evident from the bank statements annexed as Annexure P-2 to Annexure P-6. He contends that the petitioner is not having any criminal antecedents and is ready to join the investigation.*

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and on instructions from HC Anil Kumar, intimats that apart from the aforesaid dealing, there is nothing on record qua the deling regarding the JCB and seeks time to file the status report/reply in the matter.*

5. *Mr. Surinder Thakur, Advocate, has put in appearance on behalf of the complainant to assist the learned State counsel and filed power of attorney, which is taken on record. He opposed the bail application of the petitioner.*

6. *Adjourned to 29.08.2024.*

7. *Reply, if any, be filed well before the date fixed with an advance copy to the counsel opposite failing which the concerned Deputy Superintendent of Police to remain present in Court on the next date of hearing.*

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*



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shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 09.08.2024 passed by this Court, interim bail granted vide order dated 09.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.
6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

29.08.2024
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- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No