

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

CRM-M-51431-2023

Date of Decision : 27.02.2024

KULWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr.Nandan Jindal, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 01.12.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Short reply by way of an affidavit of Assistant Commissioner of Police, Emergency Response System, Amritsar has been filed on behalf of the respondent/State in Court today and the same is taken on record.

Copy thereof has been supplied to the counsel opposite.

Adjourned to 22.02.2024.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions to him by ASI Hardev Singh, submits that though the petitioner has joined the investigation in pursuance to the aforesaid order, but has not got recovered the money,

i.e. Rs.4.5 lakhs, which in fact belongs to the complainant.

3. He further submits, except the aforesaid money, the petitioner is not required for any other purpose.

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

5. Be that as it may be, since the petitioner has joined the investigation, the veracity of the allegation is yet to be established, the present petition is allowed, and order dated 01.12.2023 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

February 27, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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