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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53344-2024
DECIDED ON: 25.10.2024

SANDEEP SINGH AND ANOTHER
.....PETITIONERS
VERSUS
STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., seeking anticipatory bail to the petitioners in FIR No.79 dated 22.08.2024, registered under Section 406 of IPC at Police Station Kathu Nangal, Amritsar.

2. Facts:-

Facts as narrated in the FIR reads as under:-

“Sir, Request is that I Balwinder Singh Son of Kuldeep Singh resident of Village Post Office Abdal Tehsil Majitha District Amritsar. That Sandeep Singh son of Pritam Singh resident of Village Jand District Amritsar. Gurwinder Singh (Minta) Sultanwind is a resident of Sohal car Bazar (Tour and Travel Star Wala Pul District Amritsar). I have a car Hyundai i10 grade whose registration number is PB18W4385 whose engine number is 414740 chassis number 633762 model 2017 was taken from me by them. I could not pay the installments of the car, I told them that you should sell my car and after deducting your commission, return the money that I own, but they also took the car

from me and sell the car without telling me. They neither clear the installments nor return the vehicle. The one who gave car to them, his name is Kashmir Singh (Kala), son of Kulwant Singh, a resident of village Abdal, Sandeep Singh was his aunt's son. They told me that they will clear your car after bringing it and give you back the money you make. They have not done anything like that but the bankers are harassing me.”

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioners submits that vide order dated 08.10.2024 (Annexure P-2) passed by the trial Court, the petitioners were granted the concession of anticipatory bail, but could not comply with the condition to join the investigation with the Investigating Officer for the reason that on the next very day i.e., on 09.10.2024, brother-in-law of petitioner No.2 passed away in Italy and the entire family was under shock and the emotional trauma took a toll over the mind of petitioner No.2. Though, on merits, he submits that the FIR is based on vague and false allegations and the same is lodged after 5 years from the date of alleged occurrence and the said delay is unexplained and on that ground the trial Court granted the concession of bail to both the petitioners.

Learned counsel for the petitioner undertakes before this Court that the petitioners are ready and willing to join the investigation immediately and on that account have approached this Court by way of instant petition seeking anticipatory bail.

On behalf of respondent-State

Notice of motion.

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent-State, though not in a position to convert the factual aspects on record qua the grant of anticipatory bail by the trial Court on 08.10.2024

and the undertaking given by the learned counsel for the petitioners on behalf of the petitioners to join the investigation.

5. Analysis

Considering the facts and circumstances as has been revealed before this Court and the undertaking given by the petitioners through their counsel and the reasons put forth for not joining the investigation subsequently to the order dated 08.10.2024 seems to be genuine and bonafide, this Court does not find any reason to decline the present petition as the custodial interrogation of the petitioners are not required.

6. Decision

In view of the above, the petitioners are directed to join the investigation within a period of 10 days and in case of doing so, they shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

25.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>