

CRM-M-58199-2023
Date of decision: 11.01.2024

Versus

State of Punjab ...Respondent

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

HARPREET SINGH BRAR, J. (ORAL)

On 20.11.2023, the following order was passed:-

Learned counsel for the petitioner, inter alia, contends that the petitioner had no role to play in sanctioning of the loan amount nor he was the beneficiary. He had only prepared the pre-sanction report on the basis of the report submitted by the empanelled advocate, who, in turn submitted his report on the basis of the documents

submitted by the co-accused Gurmeet Singh and Satwant Kaur. Even the concerned Halqa Patwari had issued nonencumbrances certificate. As such, there is no evidence to indicate the complicity of the petitioner in the alleged occurrence. It is also contended that the case of the prosecution is based on the documentary evidence, which is already in the possession of the police and therefore, custodial interrogation of the petitioner is not required. Moreover, the co-accused has already been granted concession of anticipatory bail by this Court vide order dated 07.11.2023 passed in CRM-M No.53586 of 2023.

Notice of motion.

On the asking of the Court, Ms. Navreet Singh Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that custodial interrogation of the petitioner is required as the offence committed by the petitioner is of serious nature.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 29.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2)*

Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 13.12.2023.

To be heard along with CRM-M No.53586 of 2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.’

Learned State counsel on instructions from ASI Baljinder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 20.11.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.01.2024
Neha

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