



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33156-2022 (O&M)

Date of decision: 11.02.2025

TARSEM SINGH

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. P.S. Ahluwalia, Advocate and
Ms. Bhavi Kapur, Advocate and
Ms. Saumya Ahluwalia, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

Mr. Amarjeet, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

CRM-5841-2025

Heard.

2. Keeping in view the averments made in the application, the same is allowed subject to all just exceptions and copy of FIR is ordered to be taken on record and exemption from filing the certified copies of Annexure C-8 and to place on record the photocopy of the same is granted as prayed for.

3. Registry to do the needful.

4. Disposed of.

MAIN CASE

By way of present petition filed under Section 438 of Cr.P.C.,
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
44	21.06.2022	406, 420, 120-B of IPC	Hathur, District Ludhiana Rural.

2. Learned counsel for the petitioner submits that in compliance to the order dated 21.08.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 21.08.2023.

3. Learned counsel for the complainant opposed the submissions made by counsel for the petitioner and submitted that the allegations against the petitioners are serious in nature involving criminal breach of trust and misrepresentation for which his custodial interrogation is required. Hence, prayed for dismissal of the present petition.

4. Learned State counsel intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 21.08.2023, following order was passed:

“Learned counsel for the petitioner submits that the dispute is between the father-in-law (complainant) and son-in-law (petitioner) and the petitioner has falsely been implicated in the present case and that vide order dated 29.07.2022 passed by a Coordinate Bench, the police was directed not to take any coercive action against the petitioner.

Learned counsel appearing for the complainant prays for an adjournment.

Learned State counsel submits that he has no objection, if ad interim bail is granted to the petitioner.

On the request of learned counsel for the complainant,



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adjourned to 03.10.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. ”

6. 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 21.08.2023 passed by this Court, interim bail granted vide order dated 21.08.2023 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.

7. The petition stands allowed.

8. 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

11.02.2025

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No