

PBBT010062572024



Presented on : 27-05-2024
Registered on : 28-05-2024
Decided on : 29-05-2024
Duration : 0 years, 0 months, 2 days

Buta Singh Vs. State of Punjab etc.

CNR No.PBBT01-006257-2024
CIS No.BA-1924-2024
BA File No.173 of 28.05.2024
Date of order: 29.05.2024

Present: Sh. Harpal Singh Chahal, Counsel for the petitioner.
Sh. H.S.Gill, Additional Public Prosecutor for the State.

Learned Additional Public Prosecutor, on the instructions from ASI Malkit Singh, posted at Economic Offence Wing, Bathinda and ASI Lakhwinder Singh, posted at Police Station, Nehianwala, has stated at bar that one complaint has been received to be inquired into from the office of SSP, Bathinda at the office of Incharge, E.O.Wing, Bathinda. The complaint having been moved by Jagsir Singh son of Buta Singh against Buta Singh and others with the allegations of forgery and cheating and effecting sale of his land using forged documents. The same is being inquired into by the office of E.O.Wing, Bathinda, however, no FIR has yet been registered against the petitioner. However, as per record of Police Station, Nehianwala, no application, complaint, inquiry or FIR is pending against the petitioner at Police Station, Nehianwala, till date. Separate

(Sumeet Malhotra)
Sessions Judge,
Bathinda

statements of ASI Malkit Singh and ASI Lakhwinder Singh have been recorded to the aforesaid effect in the court.

Keeping in view the stand taken by the State, the apprehension of the petitioner regarding his arrest, is meaning less. At this stage, the learned counsel for the petitioner made a request that the Investigating Agency be directed to give seven days advance notice to the accused before arresting him, in order to enable the accused to pursue his right of seeking anticipatory bail.

I have considered the said submission. However, I have my inability to accept the said request, in as much as, the Investigating Agency has a right to independently investigate the matter and also expected to follow the provisions of Section 41-A of the Code of Criminal Procedure, there cannot be any presumption against the law and thus, it cannot be presumed that the Investigating Agency would not follow the due process of law, especially in terms of provisions of Section 41-A of the Code of Criminal Procedure. Accordingly, the bail application is dismissed, at this stage. However, the petitioner is granted liberty to approach the court a fresh, in case survivable cause arise to him in accordance with law. File be consigned to the Record room.

**Pronounced:
29.05.2024**

**(SUMEET MALHOTRA)
SESSIONS JUDGE,
BATHINDA.
(UID NO.PB0060).**

Nirmal Singh, EA

(Sumeet Malhotra)
Sessions Judge,
Bathinda