

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

**C.R.M-M No.12901-2015
Date of decision : 16.11.2015**

Apar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Veneet Sharma, Advocate
for the petitioner.

Mr. A.P.S.Gill, Assistant Advocate General, Punjab.

Mr. H.S.Baath, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.47 dated 19.03.2015 registered under Sections 406/120-B IPC at Police Station Gate Hakima, Amritsar City, District Amritsar.

On 24.04.2015 the following order was passed:-

“Learned counsel for the petitioner contends that the parties are collateral. On 5.4.2014, fodder/ cattle feed of

Shammi was allegedly burnt by Makhan and others. Pointed suspicion was against Aalam and Makhan. Thereafter, theft of gold ornaments took place in the house of Makhan and family of Shammi was suspected in the said occurrence. In retaliation to that, party of Makhan forcibly took away ornaments from the womenfolk of Shammi's family. The controversy was referred to Gujjar community and on account of some settlement, resolution was passed, wherein it was agreed for the return of gold ornaments and cash to the family of Shammi. Petitioner represented the family of Makhan as Pradhan. Now at intervening stage the allegations have come that the gold ornaments and the amount in question have been retained by the petitioner. Learned counsel referred to the representation dated 31.1.2015 filed by family of Shammi before the Commissioner of Police, Amritsar, wherein factum of return of gold ornaments and cash amount stand admitted.

Notice of motion for 2.7.2015.

Meanwhile, in the event of arrest, petitioner shall be admitted to interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2)Cr.P.C. ”

Learned Assistant Advocate General states that the petitioner has joined the investigation but as per him and the learned counsel for the complainant the recovery has not been made.

Learned counsel for the petitioner has argued that the fact of the matter is that the material was handed over by the petitioner to one of the protagonist and is not with him and therefore there is no way that he can get it recovered. As per him that person i.e. Shammi was arrested but no recovery was effected from him and he was released on bail.

Learned counsel for the complainant and learned AAG, on instructions from H.C. Gurmail Singh have accepted that Shammi was arrested and was released on anticipatory bail.

In the circumstances, without going into the merits of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed and the interim order dated 24.04.2015 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

16.11.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**