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

CRM-M-18152 of 2015

Date of decision: August 14, 2015

Salim Khan @ Mohammad Tasleem and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.K. Goyal, Advocate
for the petitioners.

Mr. A.S. Sidhu, AAG Punjab.

SABINA, J

Petitioners have filed this petition under Section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.32 dated 15.04.2015, under Section 379 of Indian Penal Code, 1860, registered at Police Station Longowal, District Sangrur (Punjab).

Prosecution story, in brief, is that on 14.04.2015 at about 5:30 AM, complainant received a phone call from his wife that during the night, two buffalos and one calf had been stolen from their cattle-shed. Complainant enquired about the matter and came to know that the theft had been committed by the petitioners No.1 and 3 alongwith some unknown persons. Further, the case of the prosecution is that on the same night, two buffalos and two calves of Sohan Singh had also been stolen.

While issuing notice of motion, following order was passed by this Court on 28.05.2015:-

“Learned counsel for the petitioners inter alia contends that petitioners have been falsely implicated in the instant case. In fact, there is no specific allegation in the FIR. They have been sought to be arrested by the police on the basis of statement of one Nirmal Singh, which is alleged to have been recorded by the investigating officer after the

alleged occurrence and there is no plausible reason thereof.

Notice of motion for 14.08.2015.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on prearrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.”

Learned State counsel who is assisted by Assistant Sub Inspector Harchetan Singh has submitted that, although, the petitioners had joined investigation but they are not cooperating with the investigating agency. Recovery is yet to be effected and custodial interrogation of the petitioners is necessary.

In the present case, allegations levelled against the petitioners are serious in nature. Petitioners are required for custodial interrogation.

No ground for grant of anticipatory bail to the petitioners is made out.

Dismissed.

**(SABINA)
JUDGE**

August 14, 2015
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