

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

CRM No.M-19507 of 2015 (O&M)

Date of decision:21.07.2015

Sarabjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Sidhu, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioner in case FIR No.14, dated 25.01.2015, under Sections 406/420-120-B IPC, registered at Police Station Division No.2, Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 09.06.2015:

“It is the contention of the counsel for the petitioner that there is no direct attribution with regard to the theft of the machinery of the factory situated in 581-B, Industrial Estate, Ludhiana qua the petitioner. He contends that the role, which has been attributed to the petitioner is only that by removing the three partners including the complainant, three other persons have been inducted, one of whom is the petitioner. Petitioner when came to know about this fact,retired himself from the partnership by letter dated 30.07.2014 (Annexure P-2). Thereafter the petitioner has served notice through counsel and thereafter a suit for rendition of account was filed. A civil suit has also been filed by the co-accused Ajay Shukla for

permanent injunction against the complainant-Harnek Singh and restraint order dated 11.09.2013 against the complainant has been passed by the Court. Counsel contends that the petitioner is ready and willing to join, participate and cooperate in the investigation.

Notice of motion for 21.07.2015.

Petitioner shall join the investigation as and when called for by the Investigating Officer. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of Investigating/Arresting Officer subject to the following conditions apart from others as specified under Section 438 (2) Cr.P.C.:-

- i) that he shall make himself available for interrogation by a police officer as and when required;*
- ii) that he 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 him from disclosing such facts to the Court or to any police officer;*
- iii) that he shall not leave India without the previous permission of the Court. ”*

Learned State counsel upon instructions from ASI Onkar Singh has apprised the Court that during the process of investigation, present petitioner, namely, Sarabjit Singh has been found to be innocent and as such, there would be no occasion for the petitioner to apprehend arrest.

Accordingly, the present petition is allowed. Order dated 09.06.2015 passed by this Court is absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet