

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38124-2014(O&M)

Date of Decision : 06.02.2015

SUKHWINDER SINGH

.....PETITIONER

VS

STATE OF PUNJAB

..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail.

On 16.12.2014 the following order was passed:-

“ This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.13 dated 03.02.2014 registered under Section 379 IPC at Police Station Sultanpur, District Kapurthala.

The allegations are that the petitioner along with his family members were present at Gurudwara Sri Antam Yamsta, Sultanpur Lodhi, in connection with the marriage of daughter of the complainant and had stolen gold sets and mobile phones of other guests.

After arguing for some time, the learned counsel for the petitioner has made a very fair offer. He has stated that the petitioner will join the investigation and appear before the Investigating Officer on 18.12.2014 and will fully cooperate with them and the matter be adjourned to next week and his prayer for bail be decided after obtaining report from the

investigating officer.

Learned Additional Advocate General has very fairly stated that in case the petitioner will fully cooperate with the police then his custodial interrogation may not be required but otherwise it is a very serious offence and the police should be given a chance to get to the bottom of it.

In the circumstances, the petitioner is directed to appear before the investigating officer on 18.12.2014 and the matter is adjourned to 23.12.2014 to obtain the report of the investigating officer.

Arrest of the petitioner shall remain stayed till the next date.

A copy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Bench Secretary.”

On 23.12.2014 the following order was passed:-

“ Learned Addl.AG, on instructions from SI Surinder Kumar, states that the petitioner did appear before the investigating officer but the investigating officer is not convinced that the petitioner is innocent for the crime because his car was used.

Learned counsel for the petitioner has stated that actually even if his car may have been used, it was without his knowledge and in that case the guilty party can only be his driver and he will ensure that accused No.2, who is otherwise the main accused, surrenders before the police. Learned Addl.AG states that if the petitioner can get accused No.2 to surrender then the prayer for bail can be considered but till then the petition should not be allowed.

I find this to be a fair request.

Resultantly the matter is adjourned to 15.01.2015 to enable the petitioner to get accused No.2 surrender before the police.

Interim order to continue.”

On 15.01.2015 the following order was passed:-

“ It is not in dispute that accused No.2 has not surrendered. Learned counsel for the petitioner prays for one more opportunity to enable him to convince the accused No.2 to surrender.

Adjourned to 06.02.2015.
Interim order to continue.”

In this view of the matter I see no reason to grant bail to the petitioner.

Petition is dismissed.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

February 06, 2015

sunita

(AJAY TEWARI)
JUDGE