

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M No.39533 of 2014

Date of Decision:15.01.2015

Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Ms.Gurmeet Kaur, Advocate,
for Mr.Parvesh Sachdeva, Advocate,
for the petitioner.**

**Mr.Gurinderjit Singh, Deputy Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused Paramjeet Singh @ Pamma and others, vide FIR No.218 dated 20.12.2013, on accusation of having committed the offences punishable under Sections 457/380 IPC, by the police of Police Station Sadar Fazilka.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. During the course of preliminary hearing, the following

order was passed on November 20, 2014 by this Court:-

“Learned counsel, inter alia, contended that on 03.12.2013, 287 bags of paddy were stolen from the Godown of J.K.Rice Mills. Initially, complainant Harbans Singh son of Kasturi Lal has lodged the present case against some unknown persons. The argument is that the petitioner and his brother Paramjit Singh @ Pamma, were subsequently involved in the wake of supplementary statements of Naresh Kumar and Mohan Parshad(PWs) recorded on 23.12.2013(after 20 days of the occurrence). Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by virtue of order dated 13.8.2014 in CRM-M No.6698 of 2014, by this Court.

Heard.

Notice of motion be issued to the respondent, returnable for 04.12.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from SI Ved Parkash, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. Not only that, Paramjeet Singh @ Pamma, brother & similarly situated co-accused of the petitioner, was granted the concession of anticipatory bail, by means of order dated 13.08.2014 in CRM No.M-6698 of 2014 by this Court. Therefore, I see no reason not

to extend the same benefit of pre-arrest bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

January 15, 2015
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(MEHINDER SINGH SULLAR)
JUDGE