

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40464-2014

Date of Decision: November 3, 2015

Sham Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Paras Talwar, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for respondent No. 1.

Mr. N.K. Manchanda, Advocate,
for respondent No. 2.

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?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Sham Kumar, son of Darshan Lal Ohri, resident of House No. 1681, New Subash Nagar, Towerwali Gali No. 5/7, Basti Jodhewal, Ludhiana, who has been booked for having committed the offences punishable under Sections 406 and 498-A, IPC, in a case arising out of FIR No. 275, dated 27.9.2014, registered at Police Station, City, Ferozepur.

Learned counsel for the petitioner submits that the petitioner has several times joined the investigation; on the last date of hearing, the prosecution and counsel for the informant/complainant had submitted that six gold rings remained to be recovered from the petitioner, which have been handed over to the Investigating Officer and in turn further handed over to the informant; and that investigation qua the petitioner is complete and, as such, his custodial interrogation would not be required in the present case.

Learned counsel for the State on instructions from ASI Ajaib Singh of Police Station, City, Ferozepur, very fairly concedes that the petitioner has joined the investigation and even six gold rings have also been handed over to the Investigating Officer. However, he submits that an amount of ₹1,12,000/- (Rupees one lac and twelve thousand only) still remains to be recovered from the petitioner.

Learned counsel for respondent No. 2/informant has also adopted the arguments raised by learned counsel for the State.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Vide order dated 27.11.2014, the petitioner was granted ad-interim bail by a Coordinate Bench. Thereafter, the petitioner had joined the investigation several times. On the last date of hearing when the case was put before this Court, then the private parties to the *lis* had set up their case that six gold rings remained to be recovered from the petitioner and the matter was adjourned. Now the petitioner has handed over six

gold rings to the Investigating Officer. Today case has been set up by learned counsel for the State as well as learned counsel for respondent No. 2/informant that ₹1,12,000/- (Rupees one lac and twelve thousand only) are to be recovered from the petitioner. The said amount may be recovered from the petitioner in accordance with law, if so advised. However, from the facts available on record, the custodial interrogation of the petitioner does not appears to be appropriate in the present case.

In view of totality of the facts and circumstances of the case, present petition is accepted. The interim directions issued vide order dated 27.11.2014, are made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.PC.

(NARESH KUMAR SANGHI)
JUDGE

November 3, 2015
Pkapoor