

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

CRM No.M-44383 of 2014 (O&M)

Date of decision:04.08.2015

Jamna Shankar

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present:- Mr. K.S. Dhillon, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Sudhir Paruthi, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.185 dated 17.10.2014, under Sections 494/495/177/182/420/120-B IPC, registered at Police Station New Baradari, District Jalandhar City.

While issuing notice of motion on 26.12.2014, the following order was passed by this Court:

“The petitioner seeks the concession of pre arrest bail in case FIR No.185 dated 17.10.2014 under Sections 494/495/177/182/420/120-B IPC, registered at Police Station New Baradari, District Jalandhar City.

Counsel would contend that co-accused Kiran and Sheela were arrested on 17.10.2014 and thereafter have been released on bail vide order dated 19.10.2014 passed by the Judicial Magistrate 1st Class, Jalandhar. It is further submitted that no offence under Section 379 IPC has been cited and the Additional Sessions Judge, Jalandhar while passing the order

dated 21.11.2014 at Annexure P-3 while declining the concession of anticipatory bail was swayed with regard to allegation of theft and which offence is not even made out.

Notice of motion for 16.03.2015.

In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jarnail Singh would apprise the Court that the petitioner has since joined investigation.

Two vital aspects which have gone uncontroverted are that co-accused, Kiran and Sheela have been granted the benefit of regular bail by the trial Court. Secondly, even during the course of inquiry conducted by the Investigating Agency, the allegations as regards theft or taking away of jewellery, gold etc. by the present petitioner have been found to be false.

In the totality of circumstances, this Court is of the considered view that custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 26.12.2014 is made absolute.

Disposed of.

04.08.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE