

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

**CRM-M No. 13118 of 2016 (O&M)
Date of Decision: 28.05.2016**

Nishan Singh and another

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sukhbir Maandi, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, Assistant Advocate General, Punjab
for the respondent/State assisted by HC Satnam Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the accused persons, namely, Nishan Singh and Hira Singh (petitioner Nos. 1 & 2, respectively) in case FIR No. 15, dated 11.02.2016, for offences under Sections 380, 427, 323, 34 of the Indian Penal Code, registered at Police Station Kulgari, District Ferozepur.

Complainant Sukhinder Singh @ Laadi runs a *kiryana* store and on 10.11.2015 at about 7.30 pm, the main accused Happy accompanied by Kamal and the present two accused are alleged to have gone to the said shop and on account of an altercation caused destruction to his shop. They are further alleged to have taken away a sum of Rs.40,000/- from his shop.

It was contended that the main motive is with co-accused

Happy with whom the complainant had a dispute regarding clearance of

credit. It was next contended that only offences of theft under Section 380 is non-bailable which has been falsely attributed to make the offence serious and there is delay of three months in lodging the FIR.

At the time of hearing, learned counsel for the petitioners submits that pursuant to order dated 22.04.2016, passed by this Court, the petitioners have since joined the investigation and fully cooperated.

Learned State Counsel, assisted by HC Satnam Singh, does not refute the aforesaid factual position and further states that the petitioners are no longer required for custodial interrogation. He also submits that the petitioners are not involved in any other case.

In view of the above, the interim protection/pre-arrest bail granted to the petitioners by this Court's order dated 22.04.2016, is made absolute.

Disposed of.

May 28, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE