

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

CRM-M -14136 of 2016 (O&M)
Date of decision: 28.09.2016

Jiwan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajiv Mittal, Advocate
for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab
assisted by HC Hardeep Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.37 dated 23.03.2016, registered under Sections 406, 409 and 120-B IPC, at Police Station Talwandi Sabo, District Bathinda.

On 27.04.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail to the petitioner in case FIR No.37 dated 23.03.2016 under Section 406, 409 and 120-B IPC registered with Police Station Talwandi Sabo, Tehsil Talwandi Sabo, District Bathinda.

As per the allegations, the petitioner-accused, who is

also a depot holder, had sold in open market 12.55 quintals of Pulses to co-accused Avtar Singh, which otherwise was to be sold under the Public Distribution System (PDS) as the “Atta Dal Scheme”.

It is contended that it is evident from the FIR that the consignment was handed over to Gurbachan Singh another depot holder and the petitioner was only accompanying Gurbachan Singh. It is next contended that neither Gurbachan Singh has made any grievance nor the consignment was ever meant for the petitioner-accused.

Notice of motion for 31.05.2016.

Till the next date of hearing, in the event of his arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, he shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.”

It is contended that in question in pursuance of the order dated 27.04.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation.

Heard.

Vide order dated 31.05.2016, the learned State counsel sought time to file reply detailing the incriminating material against the petitioner. However, despite a lapse of considerable time, no reply has been filed. The petitioner has repeatedly joined the investigation. In view of the above, without expressing any opinion

on the merits of the case, the interim bail granted by this Court vide order dated 27.04.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

28.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No