

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

CRM-M -26423 of 2016 (O&M)

Date of decision: 05.09.2016

Mohd. Khalid

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Rahish Pahwa, Advocate
for the petitioner.

Mr. Harsimrat Rai, DAG, Punjab
assisted by ASI Jasvir Singh.

Mr. G.S. Verma, Advocate for the complainant.

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.171, dated 24.06.2016, registered under Sections 380, 381 and 120-B IPC, at Police Station Focal Point, Ludhiana.

On 23.08.2016, this Court had passed the following order:-

“Contends that the petitioner is only a scrap dealer. Although, the petitioner had been earlier purchasing scrap from the company but in the present case, he has not purchased any material as the goods were never allowed to come out of the premises.

Post again on 05.09.2016.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without previous permission of the Court.”*

It is contended that petitioner is a scrap dealer. The petitioner had earlier been purchasing scrap from the company against payment. In pursuance of the order dated 23.08.2016, the petitioner has joined the investigation.

On the other hand, the learned counsel for the complainant states that bail application of co-accused, Vinod Kumar stands dismissed, vide order dated 29.08.2016.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

The case of co-accused, Vinod Kumar is on different footing than the petitioner. Said Vinod Kumar is employee of the firm in question and in-charge of the waste material, whereas the petitioner is a scrap dealer who had been earlier purchasing the scrap against payment. 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 23.08.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

05.09.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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