

CRM No. M-27869 of 2016
DECIDED ON: OCTOBER 21, 2016

PAWAN KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Brar, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 251 dated 22.07.2016 under Sections 4B, 8 CS Act, 13 (II) Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 11 PC Act, Sections 279, 336, 420, 427, 476, 307 and 120-B IPC and Section 25 of Arms Act registered at Police Station Bilaspur, District Yamunanagar.

At the time of issuance of notice of motion on August 12, 2016, the following order was passed by this Court:

“Inter alia it has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the instant case. In fact, the petitioner had executed four different sales deeds in favour of complainant and her son. Since, Sale deed No. 179, dated 27.04.2015 qua the land bearing Khasra No. 296/469 and 220/0-14 situated at Harigarh in favour of Gifty Singla has been challenged that it was got executed fraudulently, through, a civil suit, which is

pending disposal at Barnala. During the pendency of said suit, the instant case has been registered, that too, on the basis of complaint alleged to have been moved during Sangat Darshan before the Chief Minister of Punjab. It has further been contended by learned counsel for the petitioner that the allegations levelled in the said complaint are absolutely false since the petitioner is residing in the house in question. Thus, the question for any criminal trespass does not arise. Notice of motion to the respondent for 21.10.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under Section 438(2) Cr.P.C”.

Learned State counsel, on instructions from ASI Satnam Singh, has candidly submits that in compliance afore-said order, petitioner has joined the investigation. He further submits that the television which is alleged to have been stolen by the petitioner is still to be recovered.

With regard to the commission of theft of television is concerned, it is one of the allegations which is to be proved by the prosecution during the course of evidence before learned trial Court and at this stage, just on the basis, that the television has not so far been recovered, is no ground to decline the interim-bail to the petitioner.

In view of above, order dated August 12, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

OCTOBER 21, 2016
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(JASPAL SINGH)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>