

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3414 of 2016 (O&M)

Date of Decision: 21.04.2016

Jagmeet Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Aayush Gupta, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.28 dated 15.4.2015 under sections 341, 382, 506, 34 I.P.C, registered at Police Station, Hathur, District Ludhiana.

On 1.2.2016, while issuing notice of motion, the following order was passed by this Court:-

“F.I.R came to be registered on the statement of Lakhvir Singh. Alleged occurrence is of 15.4.2015. Complainant had stated that he was an employee with Mid Land Microfin Company and having collected certain loan advances from the village amounting to Rs.41,000/- approximately and while going on a motorcycle, he was accosted by two young boys riding another motorcycle and after having threatened to kill him, committed theft of the bag containing the currency as also other documents of the company.

Counsel submits that the petitioner was not even named by the complainant. Petitioner is stated to be implicated on the disclosure statement of a co-accused, who had been arrested in another F.I.R bearing No.83 of 2015, registered at Police Station, Sadar Rai Kot. It is the contention raised by

the counsel that even as per such disclosure statement the name of the present petitioner was not even figured and no direct role/act is attributed.

Notice of motion, returnable for 21.4.2016.

In the meanwhile, petitioner is directed to join investigation.

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

Learned State counsel upon instructions from ASI Manohar Lal would apprise the Court that the petitioner has since joined investigation. However, the present petition is opposed by taking a stand that a sum of Rs.1500/- is to be recovered from the petitioner.

Since it is the stand taken on behalf of the petitioner that he has been falsely implicated and had nothing to do with the alleged occurrence, recovery of a certain amount would not stand in his way as regards getting benefit of concession of pre-arrest bail as he has concededly joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 1.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.04.2016
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