IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-37373 of 2015
Date of decision:11.01.2016

Ram Avtar ... *Petitioner*

Vs.

State of Punjab ... *Respondent*

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

Present: Mr. Chandeep Singh, Advocate for
Mr. R.K. Samyal, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

.....

TEJINDER SINGH DHINDSA, J.

Petitioner seeks the concession of pre-arrest bail in case FIR No.76 dated 17.09.2011 under Section 379 IPC, registered at Police Station Phase XI, District Mohali.

FIR was registered on the complaint of Sanjeev Kumar with respect of theft of a Hero Honda Motorcycle bearing registration No.PB-47-B-9369. In this very complaint, the complainant had stated that two other motorcycles i.e. belonging to Arshadeep Singh and one SHO Bachi Ram had also been stolen from the front parking of Hotel Sarao, Phase-X, Mohali. Name of the petitioner was not even mentioned in the FIR.

While issuing notice of motion on 02.11.2015, the following order was passed by this Court:

> *"It is inter alia argued that the allegations against the petitioner are founded on suspicion and he was earlier acquitted on the same allegations.*
>
> *Notice of motion for 11.01.2016.*
>
> *Meanwhile, in the event of arrest, the petitioner be admitted to interim bail on his furnishing bail bonds to*

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the satisfaction of arresting/Investigating Officer; that he will join trial Court investigation and will abide by conditions as envisaged under Section 438(2) Cr.P.C."

Learned State counsel upon instructions from ASI Pavitter Singh would apprise the Court that the petitioner has since joined investigation. It has also gone uncontroverted that the petitioner had been named as an accused in another FIR pertaining to theft of motorcycle of Arshadeep Singh but in the trial that ensued the petitioner has been acquitted.

Under such circumstances, petitioner is held entitled to the concession of anticipatory bail.

Petition is allowed. Order dated 02.11.2015 is made absolute.

Disposed of.

11.01.2016 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

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