

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

CRM No. M-38611 of 2016

Date of decision:- December 01, 2016

NARINDER SINGH

.....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Tejinder Singh, Investigating Officer along with
Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C."), Narinder Singh-petitioner has sought pre-arrest bail, feeling apprehension of his arrest, pertaining to FIR No.125, dated 16.09.2016, under Sections 409, 411 and 120-B IPC, Police Station Gharinda, District Amritsar.

2. Undisputably, the petitioner was remained posted as Moharar and both the scooters were entrusted to him as per the entries made in the Register 19 maintained by the police. However, both the scooters have been recovered from the co-accused of the petitioner. It is a matter of evidence as to how these scooters came out of the Malkhana, which were subsequently recovered from the co-accused. The petitioner is a Constable though entrusted with the duties of Moharar Malkhana.

3. This Court is of the considered view that it would not be desirable to send the petitioner behind the bars only for the reason that two scooters have been taken out of the Malkhana and allegedly sold to the co-accused. Otherwise, the petitioner has a clear, unblemished and spotless service record of more than two decades.

4. Moreover, both the scooters have been recovered and this Court is of the considered view that petitioner is not required for further custodial interrogation.

5. Without expressing any opinion on the merits of the case and considering the above referred facts, this Court deems it a fit case to grant the concession of pre-arrest bail. Accordingly, petition is allowed and petitioner is directed to join the investigation on 08.12.2012 at 11:00 A.M. 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.

December 01, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No