

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43686 of 2016
DECIDED ON: December 20, 2016

HARJIT SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajiv Kataria, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J.(Oral)

Through instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought concession of pre-arrest bail, feeling apprehension of his arrest in case FIR No.151, dated 18.10.2016, under Sections 382, 457, 380, 379 IPC and Sections 25/27 of the Arms Act, Police Station Ghall Khurd, District Ferozepur.

2. Instant case stands registered on the basis of a secret information received by ASI Devender Kumar to the effect that the petitioner and his cronies are involved in looting and snatching as well as that during night times they used to commit theft of goods and motorcycles etc. lying at Sewa Kender of the village and further that Angrez Singh @ Geja, Shamsheer Singh @ Shama, Charanpreet Singh and Nirvair Singh are coming from village Loham on stolen motorcycles and in case, a trap is laid, they all can be nabbed along with the stolen motorcycles, illegal arms and stolen goods. Though, it is alleged by the

prosecution that some of the above referred persons were arrested at the spot and some alleged stolen articles were also recovered from their possession but the petitioner was not arrested at the spot. LCD, UPS, CPU, Printer and motorcycles were stated to have been recovered from the co-accused of the petitioner namely Shamsher Singh. Since, the recovery of the aforesaid stolen articles have already been effected from the co-accused, nothing remains to be recovered from the petitioner. Though, he is required to be subjected to interrogation to unearth all the ramifications involved in this case.

3. Since, the petitioner was not arrested at the spot and no recovery is required to be effected from him, this Court is of the considered view that it is a fit case to exercise the power envisaged under Section 438 Cr.P.C. Accordingly, petition is allowed and petitioner is directed to join the investigation on 03.01.2017 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 following conditions, as envisaged under Section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner 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;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

December 20, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*