

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43788 of 2015 (O&M)
Date of Decision: 02.3.2016

Sukhdev Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Simble, Advocate for the petitioner.

Ms. Anmol Grewal, 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.59 dated 02.09.2015 under section 382 I.P.C (section 382 I.P.C was deleted and section 379-B I.P.C was added later on) registered at Police Station, Fatehgarh Churian, District Gurdaspur.

On 11.1.2016, while issuing notice of motion, the following order was passed by this Court:-

“Petitioners seek the concession of pre-arrest bail in case FIR No.59 dated 02.09.2015, under Section 382 IPC (Section 382 IPC was deleted and 379-B IPC, registered at Police Station Fatehgarh Churian, District Gurdaspur.

FIR was registered on the statement of Amrik Singh. Allegations are that on 01.09.2015, the complainant along with his son were returning back to their village having withdrawn the pension amount of Rs.12,000/- and they were accosted by two persons and upon the threat of a datar had snatched the money. Complainant has named these two persons to be Sandeep Singh and Sukhdev Singh (present petitioners) on the basis of suspicion.

Learned counsel appearing for the petitioner would inter alia argue that even as per the complainant's

version, he knew the aforesaid two named persons very well. Argument raised is that the allegations on the face of it are improbable as any person, who is well known would not resort to such an incident of snatching.

Counsel further submits that co-accused, Sandeep Singh was arrested and has thereafter been granted the benefit of regular bail.

Notice of motion, returnable on 02.03.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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 Gurdip Singh would apprise the Court that the petitioner has since joined investigation but the amount of Rs.12,000/- that had allegedly been snatched by the present petitioner along with co-accused Sandeep has not yet been recovered.

Counsel for the petitioner would, however, contend that in the light of the case set up by him that the accusations are on the face of it false, the question of recovery does not arise.

Be that as it may, the petitioner having joined investigation, his custodial interrogation would not be warranted.

Accordingly, the present petition is allowed. The order dated 11.1.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.3.2016
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