

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-851 of 2016 (O&M)

Date of Decision: 27.05.2016

Sarabjeet Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.K.S. Phoolka, 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.135 dated 1.9.2015 under sections 379, 411 I.P.C, registered at Police Station, Sardulgarh, District Mansa.

On 12.1.2016, while issuing notice of moiton, the following order was passed by this Court:-

“Petitioner seeks the concession of anticipatory bail in case FIR No.135 dated 01.09.2015, under Sections 379/411 IPC, registered at Police Station Sardulgarh, District Mansa.

Prosecution version is that the present petitioner along with Saudagar Singh, Gurwinder Singh and Sandeep Singh have stolen two generators and were transporting the same on an auto rickshaw so as to sell the same. It is alleged that upon a nakabandi having been laid down Saudagar Singh and Sandeep Singh were nabbed on the spot.

Counsel would argue that it is a case of false implication and the present petitioner was not even present on the spot and as such has not been apprehended. It is further submitted that in any case two of the co-accused i.e. Saudagar Singh and Sandeep Singh already stand apprehended and even recovery of the two generators alleged to have been stolen already stands effected. Petitioner is otherwise ready and willing to join investigation.

Notice of motion, returnable on 03.03.2016.

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 Balwinder Singh would apprise the Court that the petitioner has since joined investigation. That apart, even the two generators that were alleged to have been stolen, stand effected from co-accused Saudagar Singh and Sandeep Singh, who had been apprehended on the spot.

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 12.1.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.05.2016
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