

CRM-M-19322-2017

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

CRM-M-19322-2017

Date of Decision: 06.09.2017

Happy @ Baba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Happy @ Baba has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.71 dated 23.04.2016, regisitered at Police Station Basti Bawa Khel, Jalandhar, under Section 380 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegation, the present petitioner has committed the theft of articles lying in the shop of

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complainant-Balpreet Singh, which was taken on rent by him from its owner. He has been paying rent of the said shop to him from time to time.

Vide order dated 26.07.2017, the investigating officer was directed to produce the complainant in Court today. The investigating officer has stated that he has informed the complainant to appear in Court, but he has not appeared in Court.

In pursuance of the interim order dated 26.05.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 26.05.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

06.09.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No