

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

(1)

**Crl. Misc. No.M-20505 of 2017 (O&M)
Date of Decision: September 14, 2017**

Radhey Sham

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-33659 of 2017 (O&M)

Harpreet Singh Badal

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramesh Sharma, Advocate
for the petitioner in CRM-M -20505-2017.

Mr. Amandeep Chhabra, Advocate
for the petitioner in CRM-M-33659-2017.

Mr. Luvinder Sofat, A.A.G. Punjab.

Ms. Manju Goyal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under
Section 438 Code of Criminal Procedure for grant of anticipatory bail to the
petitioners in case FIR No.64 dated 08.04.2017 registered for the offences

punishable under Sections 380 read with Section 34 of Indian Penal Code, at Police Station Civil Lines, Bathinda, District Bathinda.

Heard.

Learned State counsel on instructions from ASI Jagsir Singh submits that petitioners have joined the investigation but are not cooperating in the recovery of articles of complainant like LED tv, Air Conditioner, beds etc. for which their custodial interrogation is required.

As per the allegations in the FIR, the complainant has alleged that petitioner had taken away his old furniture and some other articles but has not mentioned therein that his LED, Air Conditioner etc. have also been stolen. It is stated that possession of the entire building has been taken by the complainant.

Learned State counsel on inquiry from the Investigating Officer, has stated that possession of the building has been taken by the complainant and this fact has also been admitted by counsel for the complainant.

In view of the above facts but without expressing any opinion on the merits of the case, both these petitions are allowed. Order dated 02.06.2017 passed in CRM-M-20505-2017 and order dated 12.09.2017 passed in CRM-M-33659-2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the

Court or to any police officer;

- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

September 14, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***