

CRM-M-32373-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32373-2017

Date of Decision:07.10.2017

Gurnam Singh, ASI

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Gurnam Singh, ASI 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.107 dated 01.08.2017, registered at Police Station Morinda, District Rupnagar, under Section 409 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has 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 case of prosecution, Head Constable Surinder Singh made the statement during the trial in FIR

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No.89 dated 07.06.2016 that he had handed over original letter to ASI Gurnam Singh (present petitioner) whereas the petitioner made the statement that original letter was not handed over to him. The allegation against the present petitioner is that this letter has been misappropriated by him.

In pursuance of the interim order dated 01.09.2017 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 01.09.2017, 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.

07.10.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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