

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-37977 of 2016
Date of Decision: 20.01.2017

Harbans Singh and anotherPetitioners

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gulzar Mohammad, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

Petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 197 dated 30.12.2015 registered for offences punishable under Sections 457 and 380 of Indian Penal Code (for short 'IPC'), at Police Station Dehlon, District Ludhiana City.

Heard.

Learned counsel for petitioners submits that petitioners are not named in the FIR registered in this case. They were named by their co-accused in a case registered at Police Station Sadar, Ludhiana. That statement is not admissible against petitioners. He further submits that petitioners have joined the investigation and are corporating with the police.

Learned State counsel submits that in case FIR No. 5 dated 18.01.2016, registered at Police Station Sadar, Ludhiana for offences punishable under Sections 379 and 411 IPC, statements of two co-accused, namely, Shanker Gupta and petitioner no. 2-Gurnam Singh, were recorded,

wherein they admitted the theft in this case. Petitioners have joined the investigation and recovery of clothes stolen from the shop of complainant has been effected, which prove their involvement in the theft.

As petitioners have joined the investigation but without commenting on submissions of learned counsel for petitioners and learned State counsel, this petition is allowed and order dated 24.10.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that 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 petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

January 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No