

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38467 of 2016

.....

Date of decision:17.2.2017

Saudagar Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. B.R. Rana-I, Advocate for the petitioner.

Mr. Deep Singh, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Mohinder Kumar, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.195 dated 4.9.2016 registered
for the offences under Sections 380, 427 IPC and (Section 411 IPC which
was added later on) at Police Station Shimlapuri, Distt. Ludhiana.

Notice of motion has been issued in this case.

Mr. Deep Singh, learned Assistant Advocate General, Punjab
has put in appearance on behalf of the respondent-State and Mr. Mohinder
Kumar, learned Advocate has appeared for the complainant-respondent No.2
and contested this petition.

I have heard learned counsel for the parties and learned
Assistant Advocate General, Punjab appearing for the respondent-State and

have gone through the record.

From the record, I find that the present petitioner is not named in the FIR. The petitioner has already joined the investigation. As per the allegation of the prosecution, Gurdeep Singh had taken away the machinery which was sold to Sant Ram and Sant Ram sold it to the petitioner. Now the petitioner has sold the same to some street vendor. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 26.10.2016 passed by this Court 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.

February 17, 2017.

(Inderjit Singh)
Judge

hsp

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