

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

CRM-M-39080-2016 (O&M)

Date of decision : 19.04.2017

GURPINDER SINGH

...Petitioner (s)

Versus

STATE OF PUNJAB

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Rajbir Singh, Advocate
for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

Mr. Kamal Narula, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.155, dated 14.09.2016, registered under Section 379 IPC, at Police Station Civil Lines, Bathinda.

Contents that the petitioner is the registered owner of the vehicle in question. Even the documents i.e. Form Nos.28, 29 and 30 referred by the complainant, Charanjit Singh at the best show that vehicle was sold to one Balwinder Singh and not to the complainant. The petitioner remains registered owner till date. The petitioner has repeatedly joined the

investigation in pursuance of order dated 28.10.2016.

On 28.10.2016, following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.155 dated 14.9.2016, under Section 379 IPC, registered at Police Station Civil Lines, Bathinda.

Allegations in the present case are as regards theft of a Tata Safari vehicle.

Counsel appearing for the petitioner would submit that the petitioner is the registered owner of the vehicle in question and even the documents i.e. Form Nos.28, 29 and 30 adverted to by the complainant namely Charanjit Singh would at best show that the vehicle had been sold to one Balwinder Singh and not to the complainant. It is argued that against the backdrop of the allegations, custodial interrogation of the petitioner is not warranted as he otherwise is ready and willing to join investigation.

Notice of motion, returnable for 10.1.2017.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C”

The learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 28.10.2016, is made absolute, subject to furnishing bail bonds/surety bonds

to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,
concerned.

The petition stands allowed.

19.04.2017
ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No