

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

CRM-M -41589 of 2016 (O&M)

Date of decision: 02.02.2017

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ramesh Sharma, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab
assisted by ASI Surat Singh.

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.229 dated 23.10.2016, registered under Sections 451, 354, 380 and 506 of IPC, at Police Station City Kapurthala, District Kapurthala.

On 21.11.2016, this Court had passed the following order:-

“Heard.

Learned counsel for the petitioner contends that the alleged incident took place on 22nd September, 2016 and there is inordinate delay in filing of the FIR and no such incident took place. It is also contended that no custodial interrogation is required.

Notice of motion for 02.02.2016.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

It is contended that in pursuance of the order dated 21.11.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, the recovery of gold chain is yet to be effected.

The complainant is the tenant of the petitioner who had earlier purchased the house in question from the complainant. Keeping in view the fact that the petitioner has joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 21.11.2016, 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.

02.02.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No