

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42673-2016
Date of decision-11.01.2017

Harwinder Singh
Vs.
State of Punjab

...Petitioner
...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

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.82 dated 19.10.2016, registered under Sections 379, 447, 511, 457 and 380 read with Section 34 of Indian Penal Code (in short 'IPC') at Police Station Jodhan, District Ludhiana (Rural).

On 30.11.2016, this Court had passed the following order:-

“Learned counsel contends that the complainant is neither owner nor in possession of the property in dispute from where the alleged articles had been stolen. In the civil suit filed by the petitioner, the complainant had made statement that he has no concern or connection with the property in question. The petitioner had also filed an application along with the civil suit for restraining the complainant from interfering in peaceful possession of the petitioner in which the learned Civil Judge had directed both parties to maintain status quo with regard to suit property (Annexure P-2). The appeal preferred by the complainant herein was also dismissed.

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. B.S.Sewak, Advocate

causes representation on behalf of complainant.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1.That he shall make himself available for interrogation by a police officer as and when required;

2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

3.That he shall not leave India without prior permission of the Court.

Post again on 11.01.2017.”

It is contended that in pursuance of the order dated 30.11.2016, the petitioner has joined the investigation. The learned State counsel, submits that the petitioner has joined the investigation and he is not required for custodial interrogation, however the recovery of alleged stolen articles is yet to be effected.

In view of the above, without expressing any opinion on the merits of the case and considering the fact that petitioner is in possession of the property in dispute, the interim bail granted by this Court vide order dated 30.11.2016, 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.

(JITENDRA CHAUHAN)
JUDGE

January 10, 2017

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Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No

