

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

CRM-M-43099-2016

Date of decision : 08.03.2017

Debo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kamaldip Singh Sidhu, Advocate, for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab, for the respondent.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek anticipatory bail in case FIR No.137 dated 21.09.2016, registered under Sections 457 and 380 of the Indian Penal Code, at Police Station Balachaur, District SBS Nagar.

Learned counsel for the petitioner contends that the petitioner is not named in the present FIR. The petitioner has been roped in the present FIR on the basis of disclosure statement of the co-accused of the petitioner, wherein it has been asserted that he has sold the ornaments in question to the petitioner. He states that the petitioner is not a jeweller. In pursuance of order dated 02.12.2016, the petitioner has joined the investigation.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation, however, he is not cooperating in recovery of the ornaments and the same are yet to be recovered. She further states that the petitioner is also involved in three more FIRs under the NDPS Act.

Heard.

On 02.12.2016, the following order was passed:-

“Learned counsel contends that the petitioner is not named in the FIR. The petitioner has been named in the disclosure statement of co accused, namely, Balkar Singh. The occurrence took place on 11.09.2016 whereas the FIR came to be registered on 21.09.2016.

Notice of motion for 07.02.2017.

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.”

There is delay in registration of the present FIR. The alleged incident took place on 11.09.2016 whereas the FIR came to be registered on 21.09.2016. The petitioner has repeatedly joined the investigation.

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 02.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

08.03.2017
adhikari

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No