

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

CRM-M -6660 of 2017 (O&M)

Date of decision: 24.03.2017

Gurmej Singh @ Kala @ Roopa and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Prateek Pandit, Advocate for the petitioner(s).

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.104 dated 27.12.2016, registered under Sections 457, 380 and 411 of IPC, at Police Station Fattudhinga, District Kapurthala.

On 01.03.2017, this Court had passed the following order:-

“Contends that the petitioners are neither named in the FIR, nor arrested from the spot. The entire recovery of the stolen goods i.e. 15 boxes of pesticide, stands effected from co-accused Jaswant Singh and Kulwant Singh. Except the confessional statement of co-accused Jaswant Singh, wherein, the petitioners are stated to have received Rupees one thousand, there is nothing against them. They are not

involved in any other FIR.

Notice of motion for 17.03.2017.

At the asking of the Court, Mr. Luvinder Sofat, AAG, Punjab, accepts notice. A complete copy of the paper book has been handed over to learned State counsel, in the Court.

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

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

2.That they 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 they shall not leave India without prior permission of the Court.”

The learned State counsel, on instructions submits that in pursuance of the order dated 01.03.2017, the petitioner No.2 Lakhwinder Singh @ Bau has joined the investigation and he is not required for custodial interrogation, whereas petitioner No.1 Gurmej Singh @ Kala @ Roopa has not joined the investigation.

At this stage, the learned counsel for the petitioner(s) seeks permission to withdraw the petition qua petitioner No.1. Ordered accordingly.

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 01.03.2017, is made absolute qua petitioner No.2 Lakhwinder Singh @ Bau, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

24.03.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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