

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

Date of Decision:12.07.2018

1. CRM-M-14981-2018

Sunil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-15002-2018

Rajiv Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sukhdeep Singh Sidhu, Advocate,
for the petitioner in CRM-M-14981-2018.

Mr. J.K. Singla, Advocate,
for the petitioner in CRM-M-15002-2018.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-14981-2018, filed by petitioner-Sunil Kumar and CRM-M-15002-2018, filed by petitioner-Rajiv Kumar, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.27 dated 01.03.2018, registered at Police Station Sadar Mansa, District Mansa under Sections 457 and 380 of the Indian Penal Code. (Section 411 of Indian Penal Code added later on).

Notice of motion was issued in both these petitions.

Learned State counsel put in appearance on behalf of the

respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners submits that the theft is stated to have taken place on 25/26.01.2018, but the FIR was registered on 01.03.2018 against Gurcharan Ram, Ram Singh and Raja Singh. The present petitioners are not named in the FIR. As per prosecution, on the same day, supplementary statement of the complainant was also recorded in which it was stated that those paddy bags were sold to the present petitioner-Sunil Kumar and one Chanan Dass. They have not committed the theft. At the most, they have purchased the paddy as per prosecution version.

In pursuance of the interim orders dated 11.04.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 11.04.2018 granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

12.07.2018
Jasmine Kaur

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No