

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

(1)

**Crl. Misc. No.M-33647 of 2018 (O&M)
Date of Decision: October 09, 2018**

Bhupinder Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-35751 of 2018 (O&M)

Manjinder Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurminder Singh, Senior Advocate with
Mr. J.S. Gill, Advocate
for the petitioners in CRM-M-33647-2018.

Mr. Gagneshwar Walia, Advocate
for the petitioner in CRM-M-33647-2018.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G. Punjab.

Mr. Amit Dhawan, Advocate with
Mr. Rajesh Kapila, Advocate
for the complainant in both the petitions.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under
Section 438 Code of Criminal Procedure for grant of anticipatory bail to the
petitioners in case FIR No.123 dated 05.07.2018 registered for the offence

punishable under Sections 380, 457, 448 read with Section 149 of Indian Penal Code, at Police Station Dinanagar, District Gurdaspur.

Heard.

Learned State counsel on instructions from ASI Jagdish Singh submits that petitioners have joined the investigation but the recovery of articles stolen from the shop of complainant and adjoining two shops is to be effected from them. Besides the shop of complainant, adjoining two shops were also burgled and entire articles lying in that shop were also stolen. Custodial interrogation of the petitioners is required.

Learned counsel for the petitioners submit that police in this case has already arrested five accused but no recovery was effected from them and other 5 accused including petitioners have joined the investigation. In the complaint, the complainant had named Ramanpreet and 17/18 persons who allegedly broke open the lock of the shop of complainant and adjoining shops and took away the vehicles and articles lying there. However, in the supplementary statement recorded on the next day, complainant named 10 persons and also changed the name of Manpreet Singh in place of name of Ramanpreet Singh.

The dispute in this case pertains to the possession of shops. The petitioners were not named in the FIR. They have been named in the supplementary statement of complainant. From the five accused named by the complainant and arrested by police, no recovery has been effected. Complainant is alleged to be in possession of the shop and civil suit in this regard is pending.

Keeping in view the above facts but without expressing any

opinion on the merits of the case, both these petitions are allowed. Order dated 07.08.2018 passed in CRM-M-33647-2018 and 20.08.2018 in CRM-M-35751-2018 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court;
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

October 09, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***