

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44479-2017(O&M)

Date of Decision: 24.01.2018

Vinod Kumar @ Vicky

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Naveen Sharma, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.89 dated 18.6.2017 under sections 399, 402 I.P.C, registered at Police Station, Division No.1, Ludhiana, District Ludhiana.

On 13.12.2017, the following order was passed by this Court:-

“Heard.

Looking to the averments made in Para-8 of the petition, petitioner is directed to join investigation on 18.12.2017 between 11:00 AM to 5:00 PM and fully cooperate with the Investigating/Arresting Officer.

In the event of arrest, petitioner shall be released on ad interim anticipatory bail in FIR No.89 dated 18.06.2017, registered under Sections 399, 402 of Indian Penal Code, 1860, at Police Station Division No.1, District Ludhiana, on furnishing of his bail bonds amounting to ₹10,000/- with one surety of like amount to the satisfaction of the arresting officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973. If the petitioner does not cooperate and does not join investigation,

this ad interim order shall be vacated.

List again on 20.12.2017 for compliance.”

Learned State counsel upon instructions from ASI Harpreet Singh would apprise the Court that the petitioner has since joined investigation. It has gone uncontroverted that name of the petitioner does not even figure in the FIR and he was sought to be implicated on the strength of statement made by co-accused and that too in relation to a previous occurrence in which a three wheeler of the petitioner had been used. Court has further been informed that such three wheeler has since been recovered.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 13.12.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No