

Sr. No.207

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

CRM No. M-49115 of 2017 (O&M)

Date of Decision: 28.02.2018

Sukhmander Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- None for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.86 dated 15.08.2017, under Sections 379 and 411 of IPC, registered at Police Station Arniwala, Tehsil and District Fazilka.

While issuing notice of motion, the following order was passed by this Court on 21.12.2017:-

“Learned counsel for the petitioners states that there is no allegation against the petitioners that they have committed theft. The observation recorded by learned Additional Sessions Judge, Fazilka that the petitioners are habitual thieves is contrary to record as no such material has come on record.

Notice of motion for 28.02.2018.

In the meantime, in the event of arrest of the

petitioners, they shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Even though a written request for adjournment has been circulated by counsel appearing for the petitioners yet learned State counsel upon instructions from HC Malkeet Singh, Police Station Arniwala, Fazilka informs the Court that the petitioners have since joined investigation. State counsel further concedes that even though the learned Additional Sessions Judge, Fazilka while rejecting the anticipatory bail petition had observed that petitioners are habitual thieves but there is no information and such observation is without any basis as the petitioners are not involved in any other FIR carrying similar allegations.

Petitioners having already joined investigation, this Court is of the considered view that their custodial interrogation would not be warranted.

Prayer made in the instant petition is accepted.

Order dated 21.12.2017 passed by this Court is made absolute.

Disposed of.

28.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No