

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5888-2018(O&M)
Date of Decision: 21.03.2018

Hans Raj

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Arjun Veer 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.234 dated 11.12.2017 under section 379 I.P.C and section 21 of Mines and Minerals Act, registered at Police Station, Laddowal, District Ludhiana.

On 12.2.2018, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks concession of pre-arrest bail in FIR No.234 dated 11.12.2017 under Section 379 of Indian Penal Code and Section 21 of Mines and Minerals Act, registered at Police Station Laddowal, District Ludhiana.

Counsel would inter alia contend that FIR was registered on the basis of secret information and in the raid that was conducted, petitioner was not apprehended on the spot. Even as per prosecution version, petitioner is sought to be implicated on the strength of a JCB machine having been seized at the spot and which belongs to the petitioner.

Notice of motion, returnable for 21.03.2018.

In the meanwhile, petitioner is directed to appear

before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Raj Kumar would apprise the Court that the petitioner has since joined investigation.

Even though, prayer for bail is opposed by learned State counsel by submitting that petitioner is involved in two other FIRs on similar allegations but it stands conceded that he has been granted concession of bail in those two FIRs.

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 12.2.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.03.2018

lucky

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No