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

**CRM-M-1225 of 2019 (O&M)
Date of decision: July 18, 2019**

Balak Ram and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Kang, Advocate for the petitioners.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. Sanjay Gupta, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioners, in FIR No.143 dated 02.11.2018, under Sections 420, 406, 381, 34 of Indian Penal Code, 1860, registered at Police Station Bullowal, District Hoshiarpur.

As per prosecution case, petitioner No.1-Balak Ram committed theft in the haveli of Dharminder Singh (cousin of the complainant) and after stealing trolley, tipper and tavies, sold the same whereas the allegation against petitioner No.2-Sandeep Kumar is that he duped Dharminder Singh to the tune of ₹18 lakhs.

On 27.02.2019, this Court has passed the following order:-

“It is contended by learned counsel for the petitioners that petitioner no.1 is the owner of the alleged tractor as

well as trolly and wishes to place on record the registration certificate of the same.

On his request, adjourned to 28.03.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer shall admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Assistant Sub Inspector Kulwinder Singh, has submitted that petitioners have joined investigation in terms of order dated 27.02.2019 and their custodial interrogation is not required.

In view of the above, order dated 27.02.2019 granting interim bail to the petitioners, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 18, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**