

207-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13735-2019
Date of decision-13.05.2019

Daljit Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.24 dated 03.02.2019 under Sections 399 and 402 of Indian Penal Code and Section 25 of Arms Act registered at Police Station Samrala, Police District Khanna, District Ludhiana. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.03.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The facts of this case are similar as pleaded in CRM-M-11484-2019.

Notice of motion for 13.05.2019.
Interim order in the same terms.”

In CRM-M-11484-2019, the following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.24 dated 03.02.2019 under Sections 399/402 IPC and 25 of the Arms Act registered at P.S Samrala, District Ludhiana.

The FIR was registered on the basis of a secret information to the effect that certain persons including the petitioner, who were members of a gang, indulge in the incidents of committing dacoities, robberies, snatchings and the breaking of bank ATMs besides having a huge quantity of ammunition and deadly weapons with them and that they all gathered at non-residential area adjoining to Sacred Heart Convent School, Village Uthalan and were preparing to commit burglary at banks/ATMs at Samrala. Raid was conducted and the persons, who were found at the spot, were arrested.

Learned counsel for the petitioner contends that the petitioner has been falsely roped in as he was not one of them. There is no case pending against the petitioner and hence the apprehension that the petitioner is part of the gang being involved in illegal activities is totally baseless.

Notice of motion for 13.5.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Mohinder Singh

does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Mohinder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.03.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

13.05.2019
vanita

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