

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18046 of 2019

Date of Decision: 09.07.2019

Kulwant Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No.64 dated 22.03.2019 registered for the offence punishable under Section 379 of Indian Penal Code, at Police Station Chatiwind, Amritsar Rural, District Amritsar.

Heard.

FIR was registered on the complaint of Jasdev Singh, Inspector Food and Supplies, who reported theft of 273 bags of wheat from the truck sent to Depot of Bodha Ram.

Learned State counsel on instructions from ASI Subhash Chander submits that the petitioners have joined the investigation on 17.05.2019. During investigation, they have disclosed that they have stolen 11 bags of wheat from Depot of Jaimal Singh, which were consumed by their family, as such, no recovery is to be effected from them. Police have arrested three other accused in this case and recovered 16 bags from their possession.

Learned counsel for petitioners submits that as per CCTV/video

recording of the incident, the bags were taken away by a number of persons of village Jhitte Kalan. The each bag was 30 kgs. of weight and a person could not carry 2/3 bags. The police is arresting all the persons, who are visible carrying wheat bags from depot of Jaimal Singh on the basis of CCTV/video recording. No recovery has been effected from petitioners, who have joined the investigation and their custodial interrogation is not required.

On the submission of learned counsel for the petitioner, learned State counsel submits that CCTV/video recording of the incident is available, which shows that numerous persons were involved in the incident. Investigation is still in progress.

Keeping in view above submission and the fact that petitioners have joined the investigation but without expressing any opinion on the merits of the case, this petition is allowed and order dated 02.05.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

July 09, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No