

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

207

CRM-M-19060 of 2019

Date of decision: 27.05.2019

SURINDER KUMAR SETHI AND ANR.

...PETITIONERS

VS.

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bikramjit Aurora, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. A.P.S. Sandhu, Advocate for the complainant.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.250 dated 17.10.2018, registered under Sections 448, 380 IPC, 1860, registered at Police Station Gate Hakima, District Police Commissionerate, Amritsar. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 29.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

"Learned counsel for the petitioners contends that property in question where from the alleged theft is complained by the complainant is in possession of the petitioners. According to him, a suit for permanent injunction was filed by the petitioner on 19.07.2018 against the complainant (defendant) and the same is pending. Defendant has also filed a separate suit for

declaration on 28.09.2018 and the said suit is also pending. It is further contended that the alleged occurrence took place on 02.08.2018 whereas the FIR was got registered on 17.10.2018. The complainant is sister of petitioner No.1. According to him, the dispute between the parties is of civil nature.

Notice of motion for 27.05.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C."

Learned counsel for the petitioners contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Sub Inspector Vijay Kumar does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from Sub Inspector Vijay Kumar further states that the petitioners are 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 29.04.2019, 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.

May 27, 2019

Poonam Sharma

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No