

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

206

CRM-M-19504-2019 (O & M)
Date of Decision:30.05.2019

Sukhjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Khinda, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.146 dated 29.12.2018 under Sections 457/380 IPC and Sections 395/411 IPC added later on, registered at Police Station Sadar Kapurthala, District Kapurthala. 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 01.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner Sukhjinder Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.146 dated 29.12.2018, under Sections 457 and 380 IPC (Sections 395 and 411 IPC added later on), registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the alleged theft was committed by 35-40 unknown

persons, from the godown where wheat bags were stocked. According to him in a short period of one hour, 1100 bags were loaded in two trucks and the persons, who were guarding the godown, did not even reveal the registration numbers of the vehicles. It is contended the petitioner is being indicted on the basis of statement made by co-accused, which may not be admissible.

Notice of motion for 30.5.2019.

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

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 on instructions from ASI Puran Chand does not dispute this fact that the petitioner has joined the investigation. However prayer for bail is opposed, as the petitioner is required for custodial interrogation. Learned State counsel does not dispute that there were 35-40 unknown persons, who had allegedly stolen the grain bags from the godown. It is pointed out that only 20 bags has been recovered so far, from the 3 persons arrested so far. It is also not disputed that the petitioner was indicted on the basis of disclosure suffered by co-accused.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.05.2019 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.

30.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No