

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

CRM-M-20552-2019 (O&M)

Date of decision-28.05.2019

Rashpal Singh @ Pala

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S.Mirpur, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
HC Malkit Singh.

MANOJ BAJAJ, J.

CRM-14835-2019

Application is allowed as prayed for.

Main case

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.167 dated 10.10.2015 under Sections 457, 380 and 411 of Indian Penal Code registered at Police Station Dharmkot, District Moga. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner contends that admittedly the complainant noticed the theft after commission of the crime and none of the accused were seen by him. The petitioner along with two others were named by the complainant upon a strong belief. Learned counsel for the petitioner further contends that the complainant has sworn an affidavit dated

17.12.2018, wherein it is mentioned that his name was wrongly given in the FIR.

On the other hand, learned State counsel assisted by HC Malkit Singh opposed the bail application.

Considering the stand of the complainant, whereby he has allegedly himself exonerated the petitioner by way of affidavit dated 07.12.2018, custodial interrogation of the petitioner may not be necessary.

In view of the above, it is ordered, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Arresting Officer. He shall join investigation as and when called for by the Investigating Officer. 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 is allowed.

(MANOJ BAJAJ)
JUDGE

28.05.2019

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