

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

**CRM-M No.48322 of 2018 (O&M)  
Date of Decision: 09.07.2019**

Christophur

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Chander Shekhar Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab  
for the respondent/State.

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**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.128 dated 01.08.2018, under Section 381 of the Indian Penal Code, 1860, registered at Police Station Division No.2, District Jalandhar.

This Court, while issuing notice of motion on 31.10.2018, passed the following order:-

*“ It is contended by learned Counsel for the petitioner that petitioner has already resigned from the hospital of the complainant on 30.06.2018 and issued 'No Dues Certificate' in favour of the petitioner.*

*Notice of motion for 15.01.2019.*

*In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”*

Contentends that in terms of above order, petitioner has already joined the investigation and his custodial interrogation is no longer required.

Learned State Counsel, on instructions from S.I. Sewa Singh, has opposed the prayer of the petitioner on the ground that although he has joined the investigation, but not co-operating as the recovery of alleged machine is yet to be effected.

Heard both sides and perused the paper-book.

Allegations against the petitioner are that he was working as Male Staff Nurse in the Tagore Hospital & Heart Care Centre Private Limited, Jalandhar, run by the complainant and has stolen Bipap Machines in the month of June, 2018 whereas the present FIR is registered on 1<sup>st</sup> August, 2018 i.e. after a period of more than one month. There is also no dispute that petitioner has already resigned from the Hospital and 'No Dues Certificate' was issued on 30.06.2018. Paper-book reveals that petitioner submitted his application for resignation on 22.05.2018 and which was accepted on 30.06.2018, therefore, this Court deems it appropriate to grant the concession of pre-arrest bail to the petitioner.

In view of above, interim order dated 31.10.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 09, 2019

Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |