

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

**CRM-M No.54446 of 2018 (O&M)
Date of Decision : 29.03.2019**

Sham Singh Dhodriya

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. G.S.Pannu, Advocate for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.77 dated 18.05.2018 registered under Sections 379 IPC 1860 and Section 21 of Mines and Minerals (Development & Regulation) Act, 1957 at Police Station Ladhuwal, Ludhiana.

On 10.12.2018 the following order was passed:-

“Learned counsel for the petitioner states that what has weighed to the mind of learned Additional Sessions Judge, Ludhiana while declining the anticipatory bail to the petitioner is that there are certain other FIRs registered against the petitioner, but in all those cases, the petitioner has been acquitted of the charge framed against him.

Notice of motion for 18.02.2019.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the

investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has argued that as per the affidavit only 3 cases are pending against him and even in this case the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Kamaljit Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 10.12.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

29.03.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No