

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

CRM-M-35204 of 2019

Date of Decision: 22.10.2019

Balwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Harpreet Singh Multani, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No.138 dated 24.06.2019, under Sections 457, 380 and 427 of the Indian Penal Code (Sections 411 and 201 of the Indian Penal Code were added later on) registered at Police Station City/Kotwali, Faridkot, District Faridkot.

On 28.08.2019 while issuing notice of motion the following order was passed by this Court:

“Contentends that petitioner is a Class IV employee and moreover, the entire articles have already been recovered from co-accused, namely, Sunny and Manpreet Singh @ Manna. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion for 21.10.2019.

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.”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from ASI Noginder Singh has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 28.08.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

October 22, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no