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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.8474 of 2020

Date of decision: 02.03.2020

Jeewan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Varinder Basa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.001 dated 02.01.2020 registered under Sections 380, 457 IPC at Police Station Civil Lines, Batala District Batala.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Anju Bala, it is stated that on 28/29.12.2019 in the midnight, someone has committed the theft of LCD and some gold jewelery items by breaking the lock of her house. It is further submitted that the FIR was registered after 03 days i.e. on 02.01.2020 and during the investigation, the police has arrested 02 persons namely Love and Mangal Dass and on their disclosure statement, it has come that they have handed over the jewelery to the petitioner. It is further argued that the petitioner is having clear antecedents and not involved in any other case.

Counsel for the petitioner has also submitted that no description of the jewelery is given either in the FIR or in the statement of the complainant or even in the disclosure statement of Love and

Mangal.

Counsel for the petitioner has, thus, argued that in the absence of any such specific allegations, the involvement of the petitioner on the basis of the disclosure statement is not based on any specific allegations from the complainant side.

Counsel for the State, on instructions from ASI Daljit Singh, has not disputed the factual position especially the fact that there is no description of jewelery given by the complainant.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

However, it will be open for the Investigating Officer to join the petitioner in the investigation, if need be, by giving an advance notice in writing.

(ARVIND SINGH SANGWAN)
JUDGE

02.03.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No