

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.11984 of 2020
Date of Decision: September 22, 2020

Vijay Kumar Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Davinder Singh, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.112 dated 08.04.2020, under Sections 408, 409 and 417 IPC, 1860 and Sections 7/8 Essential Commodities Act, 1955, registered at Police Station, City Kapurthala. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.05.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The petitioner is seeking anticipatory bail in case FIR No.112 dated 08.04.2020, registered under Sections 408, 409 and 417 of the Indian Penal Code, 1860 and Sections 7/8 of the Essential Commodities Act, 1955, at Police Station City, Kapurthala.

Learned counsel for the petitioner contends that the

allegations against the petitioner are that 40 bags of wheat each containing 30 kilograms were being misappropriated by him. He, however, contends that these wheat bags had been loaded in a vehicle by the petitioner for distribution among the needy. He also contends that the petitioner is not involved in any other case.

Issue notice to the respondent returnable on 02.07.2020.

In the meantime, the petitioner is directed to appear before the Investigating Officer and join investigation. In the event of her arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from Inspector Manjit Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.05.2020 is made absolute.

September 22, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No