

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

CRM-M-15820-2020 (O&M)

Date of decision : 08.07.2020

Lakhwinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Khosa, Advocate for the petitioners.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have prayed for grant of pre-arrest bail in a criminal case arising from FIR No.93 dated 28.06.2019 registered under Section 379 of the Indian Penal Code, 1860, at Police Station Arniwala, District Fazilka.

On 19.06.2020, the following order was passed:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Learned counsel for the petitioners submits that there is nothing on record so far to connect the petitioners to the theft as has been alleged in the FIR, and consequently it is not understood as to how the petitioners were suspected by the police of having committed the theft.

On a specific query, he submits that there is no other criminal case registered against the petitioners.

Notice of motion, with Mr. Harmandeep Singh Sullar, learned DAG, Punjab, accepting notice on behalf of the respondent-State, who submits that as per his instructions also, there is no other criminal case registered against the

petitioners; but as regards as to how the petitioners were connected with the theft, he seeks time to file a reply by way of an affidavit of a gazetted officer concerned.

Adjourned to 08.07.2020.

In the meanwhile, an affidavit of a gazetted officer be filed, giving therein the status of the investigation carried out so far and how the petitioners have been connected to the theft.

In the meanwhile, till the next date of hearing only, upon the petitioners joining investigation, in case they are sought to be arrested, they would be admitted to interim bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. They shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, they would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation.”

Mr. Ramdeep Pratap Singh, DAG, Punjab, learned counsel for the State has submitted that the petitioners have joined investigation, cooperated and are not required for further custodial interrogation at this stage.

In view thereof, order dated 19.06.2020 is made absolute.

Accordingly, the present petition is allowed.

08.07.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No