

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

CRM-M-17193-2020

Date of decision: 16.11.2020

Kuldip Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

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

Mr. J.P. Ratra, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Kuldip Singh, an accused in FIR No.02 dated 10.01.2020, for offences under Sections 457, 380, 411 IPC, registered at Police Station Kalanaur, District Gurdaspur.

Briefly stated facts of the case as per prosecution story are that on intervening night of 9/10 January, 2020, a theft had taken place in readymade garments shop of complainant-Sukhjot Singh located at Baba Banda Bahadur Street, Gurdaspur Road, Kalanaur. As a result of theft, Rs.5500/- in cash and some garments had been stolen. The matter was reported to the police by complainant – Sukhjot Singh. After registration of the formal FIR, investigation of the case started. During the course of investigation, the present petitioner Kuldip Singh was nominated as one of the accused. Petitioner Kuldip Singh had approached the Court of

Sessions Judge, Gurdaspur, seeking pre-arrest bail. Such application was assigned to Additional Sessions Judge, Gurdaspur, which was dismissed on 29.02.2020. Feeling aggrieved, he has knocked at the door of this Court, praying for grant of similar relief. Notice of the petition was given to the State.

I have heard learned counsel for the parties besides going through the record.

The petitioner in this case was granted interim bail with a direction to join the investigation. He has, accordingly, done so. Learned State counsel, on instructions from ASI Palwinder Singh, states that the custodial interrogation of the petitioner is not required. Even otherwise, neither the petitioner is named in the FIR nor any recovery has been effected from him.

Considering all facts and circumstances of the case, the petition is accepted. The interim bail granted to the petitioner, vide order dated 01.07.2020, is made absolute, subject to the following conditions:-

1. That the petitioner shall make himself available for investigation by a police officer as and when required;
2. That 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. That he shall not leave India without prior permission of the Court.
4. He shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on

which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

16.11.2020

Nisha

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No