

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

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**CRM-M No.19087 of 2020
Date of decision:17.07.2020**

Sandeep Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashok Kumar Khunger, Advocate for the petitioners.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition, the petitioners seek anticipatory bail in in FIR No.0090 dated 01.07.2020 under Sections 457, 380 of IPC (Section 61/1/14 of Punjab Excise Act, 1914 added subsequently) registered at P.S. Sadar Abohar, District Fazilka.

Counsel for the petitioners has argued that there is a delay of 3 days in registering the FIR. According to him, the alleged incident of theft of 23 cases of liquor containing 12 bottles took place in the intervening night of 28/29.06.2020 and the FIR was lodged by an employee of the liquor vendor on 01.07.2020 on the basis of the suspicion against both the petitioners as well as their third brother, namely, Ajay, who already stands arrested. His further submission is that Sandeep Singh-petitioner No.1 is a handicapped person and walks with the help of stick.

Notice of motion.

On asking of the Court, Mr. Gaurav Garg Dhuriwala, Sr.D.A.G. Punjab, who is available through video conferencing accepts notice on behalf of State of Punjab. Advance copy of the petition has already been served on the State.

Upon instructions of ASI Jasvir Singh, State counsel submits that 7 bottles were recovered from the third brother of the petitioners, namely, Ajay and the total value of the stolen property is Rs.40,000/-.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. The petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioners do not join the investigation then it will be open to the State to file an application to recall the order.

17.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No