

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

214-A

CRM-M-36310-2019

Date of decision : 20.01.2020

Ashok Kumar

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.S. Sekhon Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.57 dated 11.08.2019 registered under Sections 399 and 402 of the Indian Penal Code, 1860 at Police Station Sadiq, District Faridkot to which Section 411 of the IPC and Section 25 of the Arms Act, 1959 were added later on.

While issuing notice of motion, the petitioner was granted interim anticipatory bail by Co-ordinate Bench of this Court vide order dated 02.09.2019 with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has argued that the only allegation against the petitioner is that the petitioner in conspiracy with

the main accused has received the stolen articles. The petitioner has been falsely implicated on the interrogation of the co-accused and there is no direct cogent evidence against the petitioner that he has received the stolen articles. The main accused have been arrested and the alleged recoveries have been effected from them. The petitioner joined investigation in compliance with order dated 02.09.2019. No recovery remains to be made and his custodial interrogation is not necessary.

Learned State Counsel has acknowledged that in compliance with order dated 02.09.2019 passed by Co-ordinate Bench of this Court, the petitioner has joined investigation and submitted that his custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that his custodial interrogation is not required but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 02.09.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

20.01.2020

Kavneet singh

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No