

CRM-M-39064 of 2019

Date of decision: 11.02.2020

SHAMSHER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Anand, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Additional AG, Punjab.

VIVEK PURI, J. (ORAL)

On 17.09.2019 the following order was passed:-

“Learned State Counsel, on instructions from the police official present in the Court, has apprised that petitioner is not coming forward to join the investigation in terms of order dated 17.09.2019.

Per contra, learned Counsel for the petitioner is disputing the aforesaid submission.

In view of above, petitioner is directed to appear before the Investigating Officer concerned on 09.01.2020 at 10:00 AM and join the investigation in terms of order dated 17.09.2019.

Adjourned to 11.02.2020 for further consideration.

Interim order to continue.

Briefly, FIR was registered on the basis of statement of Sukhwinder Singh to the effect that during the intervening night of 29.05.2018 and 30.05.2018, the tractor parked in the field was stolen. The FIR was registered as after delay of seven days on 06.06.2018.

Subsequently, after the lapse of period of one year and two months on 07.08.2019, the supplementary statement of the complainant was

recorded, wherein he has nominated Sukhwinder Singh, Sandeep Singh and Shamsher Singh-petitioner.

It has been stated by the learned State counsel that he has joined the investigation in pursuance of the interim direction issued by the Court, and the other co-accused were arrested and they have been released on regular bail. Learned State counsel has not disputed the fact that the petitioner has joined investigation but stated that recovery of the tractor is yet to be effected from him.

The petitioner is alleging that he has been falsely implicated. Moreover, he is being implicated on the basis of the supplementary statement of the complainant which has been recovered after a lapse of period of one year and two months. Furthermore, there is a delay of seven days in the lodging of the FIR where no one has been arrayed as an accused.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Without expressing any opinion on the merits of the case, the order dated 17.09.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

11.02.2020
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(VIVEK PURI)
JUDGE

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