

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

211

**CRM-M No.45772 of 2019
Date of Decision: 25.2.2020**

PALWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Ritesh Pandey, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. A.P.S.Rehan, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C.
seeking anticipatory bail in case bearing FIR No. 58 dated
8.10.2019 under Sections 379 IPC registered at Police Station
Ghuman Kalan District Gurdaspur.

On 30.10.2019, while issuing notice of motion,
following order was passed:-

“Heard.

Learned counsel for the petitioner submits

that the complainant was accused in FIR No. 26 dated 16.05.2017, registered at Police Station Ghuman Kalan, District Gurdaspur. As per allegations in that FIR, raid was conducted at the house of complainant by a police party headed by SHO Surinder Pal Singh alongwith petitioner and ASI Satpal Singh. Allegations have been levelled against the petitioner that he had taken away motorcycle of complainant. The matter was reported to the police after delay of about one year. Even otherwise, the police party, which conducted the raid, was headed by SHO Surinder Pal Singh and not by the petitioner and entry of taking away of motorcycle was to be got recorded in the police station by incharge of the police party.

Notice of motion for 11.02.2020.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of

interim bail allowed to him.”

Thereafter, on 11.2.2020, learned State counsel, on instructions from ASI Gurmukh Singh, stated that though the petitioner has joined the investigation, but recovery of motorcycle has not been effected so far.

One more indulgence was granted to the petitioner to join the investigation and cooperate with the Investigating Officer in getting the motorcycle recovered.

Today after hearing learned counsel for the parties, it has come to fore that the petitioner is ready and willing to get his voice sample recorded before the Investigating Officer in the presence of the complainant. On receipt of voice sample, the Investigating Officer shall be obligated to get the same compared from the Forensic Science Laboratory at the earliest in accordance with law. In addition to that the petitioner is also willing to deposit the price of the new motorcycle with the trial Court/ Illaqa Magistrate without prejudice to his rights in the present case.

In view of aforesaid statement made by learned counsel for the petitioner, learned counsel for the complainant states that subject to the aforesaid conditions, prayer for anticipatory bail of the petitioner be considered.

In view of above interim order dated 30.10.2019 is made absolute. However, the petitioner shall keep on joining the

investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

February 25, 2020
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(RAJ MOHAN SINGH)
JUDGE

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