

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-48014 of 2019

Date of Decision: 24.02.2020

Harwinder Singh & another

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Atul Goyal, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in case FIR No.80 dated 10.10.2019 under Sections 406/498-A IPC registered at Police Station Mulepur, District Fatehgarh Sahib.

Learned counsel for the petitioners states that pursuant to order dated 13.11.2019 of this Court, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Sukhwinder Singh, does not dispute the aforesaid fact. However, she submits that

recovery of some gold articles and furniture etc. is yet to be effected in the case, though there are no bills in support thereof.

I have heard learned counsel for the parties.

Admittedly, pursuant to order dated 13.11.2019 of this Court, the petitioners have joined the investigation. However, as far as the contention raised on behalf of the State counsel to the effect that certain recoveries are still to be effected in the case, this Court finds that merely because some recovery is yet to be effected, is no ground to decline anticipatory bail to the petitioners particularly when there is no bills in support thereof. Reference may be made to judgment of Hon'ble the Apex Court in the case of **Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.**

Accordingly, the present petition is allowed and the interim order dated 13.11.2019 is made absolute.

However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

February 24, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No