

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

206

**CRM-M-53519-2019
Date of decision: 08.01.2020**

Harpuneet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

Mr. Binat Sharma, Advocate for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.83 dated 20.07.2018 registered under Sections 379/411/201 of the Indian Penal Code, 1860 at Police Station Khanauri, District Sangrur.

The bail application has been opposed by learned State counsel. However, no written reply has been filed by learned State counsel.

Mr. Binat Sharma, Advocate has appeared on behalf of the complainant and has filed his power of attorney which is taken on record.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and gone through the record.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the case. Recovery of the alleged vehicles/parts of the vehicles was made from the shop of Sunil Kumar but FIR against him has already been quashed on the basis of compromise with the complainant. The petitioner had no concern with Sunil Kumar. The petitioner himself is a victim at the hands of the complainant, who wants to usurp the money borrowed by him from the petitioner. The petitioner is ready to join the investigation and his custodial interrogation is not required for effecting any recovery. Therefore, the petitioner may be granted anticipatory bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner is the main conspirator who handed over the vehicles of the complainant, parked in his premises, to co-accused Sunil Kumar. Recovery is to be made from the possession of the petitioner. The petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that the vehicles/parts of the vehicles were recovered from Sunil Kumar against whom FIR has already been quashed vide order dated 31.01.2019 on the basis of compromise with the complainant and custodial interrogation of the petitioner is not in fact required for effecting any recovery but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

In view of the above discussion, the petition is allowed

with direction to the petitioner to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of anticipatory bail allowed to him.

08.01.2020

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(ARUN KUMAR TYAGI)
JUDGE

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