

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-417-2020

Date of decision: 18.08.2021

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.107 dated 20.12.2019 under Sections 380 and 457 of the Indian Penal Code, 1860, registered at Police Station Nandgarh, District Bathinda.

Counsel for the petitioner has contended that the FIR has been registered against unknown persons on the allegation that some household articles have been stolen, which fact was discovered by the complainant, when she came back to her locked house on 06.12.2019. It has been submitted that there is an unexplained delay of three days in the giving of the complaint. Counsel urges that the offence under Section 457 IPC is not made out as there is no allegation of house trespass or house breaking “by night”.

On 09.01.2020, the following order was passed:-

“Learned counsel for the petitioner has submitted that the petitioner is 18 years of age and no other case is registered against him nor he is named in the FIR. He has further placed reliance upon the order passed by the learned Addl. Sessions Judge, Bathinda dated 07.01.2020 whereby anticipatory bail has been granted to co-accused.

Notice of motion for 28.02.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from ASI Gamdoor Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 09.01.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

18.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No