

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CRM No. M-3837 of 2021
Date of Decision : 01.09.2021

Satpal alias Palli

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manoj Kumar Pundir, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 245, dated 2.12.2020, registered under Sections 380, 457 IPC (Section 411 IPC added later on) at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 28.01.2021. Order dated 28.01.2021 is as under:-

“The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 245, dated 2.12.2020, registered under Sections 380, 457 IPC (Section 411 IPC added later on) at Police Station Babain, District Kurukshetra.

FIR was registered on the complaint of one Ruma Devi who stated that she is working as Anganwari Worker in village

Sunaria. On 2.12.2020, when she went to Anganwari Kender, she found that lock of room was broken and 73 kg rice contained in 2 bags were missing which have been stolen by some unknown person.

Learned counsel for petitioner states that during investigation, two persons namely Aman and Sagar (juvenile) were arrested. Aman is alleged to have disclosed in his disclosure statement that he had sold his share of 35 kg rice to petitioner.

Learned counsel for petitioner has argued that petitioner is running a kariyana/grocery shop in village. The allegation against him is totally false. He has no concern on connection with the said accused.

Vide order dated 19.1.2021 of learned Additional Sessions Judge, Kurukshetra, petitioner was granted benefit of anticipatory bail and was directed to join investigation. Thereafter petitioner joined investigation. However, his anticipatory bail was dismissed on the ground that petitioner did not cooperate during investigation and did not get recovery effected of 35 kg rice allegedly purchased by him from accused.

Notice of motion.

Mr. Tapan Kumar, DAG Haryana accepts notice on behalf of respondent State.

Adjourned to 8.4.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Bhag Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation.

In view of the above, the order dated 28.01.2021 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.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 01, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No