

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

(201)

CRM-M-13095-2021

Date of Decision : September 30, 2021

Sukhwinder

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.31 dated 04.02.2021 registered under Sections 379 and 411 IPC at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 17.08.2021. Order dated 17.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.31 dated 04.02.2021 registered under Sections 379 and 411 IPC at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner argues that the petitioner has been falsely roped in the present FIR only on the basis of the disclosure statement of the co-accused from whom the stolen electricity wires were recovered. Learned counsel for the petitioner submits that nothing has been recovered from the petitioner and he is ready to join the investigation and cooperate with the same.

Learned counsel for the respondent-State submits that co-accused namely Rajesh Kumar, after being apprehended with the stolen electricity wires, had nominated the petitioner, who is a junk dealer, that on an earlier occasion also, the said co-accused had sold the stolen items to the petitioner, which needs to be verified.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As of now in the present FIR, the stolen wires were already recovered from co-accused Rajesh Kumar at the time of his arrest. With regard to the other allegations that Rajesh Kumar has been selling the stolen wires to the petitioner, nothing has been produced as of now whether, any FIR with regard to any earlier incident of stolen wires were registered by the police, which is under investigation, so as to co -relate the same to the petitioner.

The petitioner has undertaken before this Court that he will join the investigation and cooperate with the same.

Keeping in view the facts and circumstances of the present case, the petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as

enshrined under Section 438 (2) Cr.P.C.

Adjourned to 30.09.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jawinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 17.08.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 30, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No