

CRM-M-14148-2021

Date of Decision : 03.09.2021

Boota Singh

...Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 20 dated 27.02.2021, registered under Sections 379 and 411 IPC at Police Station Khuian Sarwar, District Fazilka.
3. On 26.03.2021, the following order was passed:-

“ Counsel for the petitioner herein prays for grant of anticipatory bail to the petitioner on the ground that he has been falsely implicated in the said FIR. It is argued that there is an averment made in the FIR that he is habitual of selling the motorcycles after committing theft, however, as on date, no FIR has been registered against him under Section 379 of IPC and he was not apprehended at the spot along with the said motorcycle. It is submitted that he is ready to join the investigation.

Notice of motion.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Adjourned to 03.09.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *Head Constable Sikander Pal Singh* confirms that pursuant to the order of this Court dated 26.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 26.03.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

03.09.2021

Renu-rajesh

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>