

210 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16257-2021 (O&M)
Date of decision-26.07.2021

BABAR ALIAS DABAR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.141 dated 31.10.2020 under Sections 399 & 402 of Indian Penal Code, 1860, registered at Police Station Meharban, District Ludhiana. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.04.2021, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that FIR No.139 was registered on 27.10.2020 against unknown persons at the instance of Ashok

Kumar for the offences under Sections 457 and 380 IPC in respect of theft of jackets, T-shirts and lower-pajama etc from his factory. The present FIR came to be registered on the basis of secret information provided to Investigating Officer in respect of attempt to commit decoity under Sections 399/402 IPC. In the present FIR, the petitioner was granted interim bail by the Additional Sessions Judge, Ludhiana vide order dated 20.11.2020, but owing to the status of the petitioner in FIR No.139 dated 27.10.2020, he could not join the investigation as the Investigating Officer tried to arrest him on the date of his visit to the police station for joining the investigation. In FIR No.139, anticipatory bail was dismissed by the Additional Sessions Judge, however, petitioner filed CRM-M No.4667 of 2021, in which interim anticipatory bail has been granted vide order dated 22.03.2021 and the said case is now fixed for 26.07.2021.

Notice of motion for 26.07.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 26.04.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.

To be heard along with CRM-M No.4667 of 2021.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Kamaljeet Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 19.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

26.07.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No