

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

210

**CRM-M-11651-2020
Date of decision: 12.08.2021**

Mithu Singh and anotherPetitioners
Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. P.S. Walia, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 0181 dated 10.12.2019 registered under Section 380 of the Indian Penal Code, 1860 at Police Station Nehianwala, District Bathinda.

Vide order dated 19.03.2020 the Co-ordinate Bench of this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioners with direction to join the investigation and relevant part of the above said order reads as under:

“Counsel for the petitioners submits that the alleged occurrence of theft of 212 bags of paddy from the rice mill of the complainant took place on the night intervening 5th and 6th December, 2019 but the FIR was registered on 10.12.2019 (Annexure P-1) at 4.22 P.M. Four accused have already been arrested. The petitioners have been named by one of the accused Gurpreet Singh in his disclosure statement on 21.01.2020.

Notice of motion for 29.04.2020.

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

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made earlier, submitted that in compliance with order dated 19.03.2020, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Baljeet Singh, acknowledged that in compliance with order dated 19.03.2020 passed by Co-ordinate Bench of this Court, the petitioners have joined the investigation and that their custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial

interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 19.03.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

12.08.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No