

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18555-2021 (O&M)

Date of Decision:- 2.9.2021

Lakhvir Khan

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Kuldeep Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 130, dated 22.12.2020, Police Station Balianwali, District Bathinda, under Section 379-B IPC.
2. At the time of issuance of notice of motion on 12.5.2021 the following order was passed:

“Learned counsel for the petitioner submits that the matter pertains to a case where allegations are levelled that on 20.12.2020, 4/5 unknown persons snatched complainant’s car but subsequently on 22.12.2020 the

complainant came to know the names of the said persons. Learned counsel for the petitioner submits that there is nothing on record to show as to from where the complainant came to know about the names and that the FIR which has been lodged after 2 days of the alleged occurrence has been lodged after making consultations.

Notice of motion for 2.9.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from SI Kuldeep Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that apart from the instant case there is one more case registered against him for offence under Sections 269, 336, 270 IPC; Section 188 of Disaster Management Act, 2005 and under Arms Act.
4. I have considered rival submissions addressed before this Court.
5. It is not in dispute that while the occurrence had taken place on 20.12.2020 when the petitioner did not know about the identity of the accused, the FIR came to be lodged on two days thereafter i.e. on 22.12.2020, when the complainant claimed that he had now come to know about the identity of the four accused upon inquiries made by

him. However, upon a query made by this Court as to what was the source of such information of the complainant i.e. as to whether he had come across some eye witness to the occurrence or as to whether there was any CCTV footage or as to whether there was any admission/confession of any accused, the learned State counsel could not furnish any definite information in this regard. Keeping in view the aforesaid facts and circumstances particularly the fact that the petitioner is stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.5.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

2.9.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No