

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-15629 of 2019
Date of decision:02.11.2021

Kartar Singh alias Kari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Akshay Rana, Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner in case FIR No.262 dated 20.12.2018 (wrongly written in the impugned order as 17.12.2018) registered under Section 379-B of Indian Penal Code, 1860 at Police Station City, Gurdaspur, District Gurdaspur.

Counsel for the petitioner submits that FIR has been registered on the complaint of Vipin Kumar on the allegation that three unknown young boys, who came on motorcycle snatched his I-Phone. He submits that the petitioner has been arraigned as an accused on the basis of disclosure statement of co-accused, Prince, who was arrested in another case. He submits that confessional statement of co-accused recorded in police custody, is a weak piece of evidence. He submits that the trial against co-

accused resulted in their acquittal vide judgment dated 17.12.2019 passed by learned Additional District and Sessions Judge, Gurdaspur, and the petitioner was not arrested because his arrest had been stayed by this Court vide order dated 03.05.2019 passed by this Court in the present petition. According to the counsel, co-accused have been acquitted as the complainant failed to identify them and he was declared hostile. He submits that in pursuance to the order passed by this Court on 27.07.2021, the petitioner has joined the investigation.

Upon instructions from, SI, Onkar Singh, State counsel affirms these facts and submits that the petitioner is no longer required for custodial interrogation.

In view of the above circumstances, order dated 03.05.2019 is modified, but without commenting on the merits of the case, the present petition is disposed of with an order that in the event of arrest of the petitioner, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

November 02, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No