

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M No.20798 of 2021
Date of Decision: 15.11.2021

Sukhdev Singh @ Kaka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Jasneet Mehra, Advocate,
for Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, 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.03 dated 07.01.2019, under Sections 457 and 380 of IPC, registered at Police Station Majitha, District Amritsar. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.06.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner.

The said order reads as under:-

“Learned counsel for the petitioner contends that as per the allegations in the FIR, the accused had stolen the buffaloes of the complainant on 19.12.2018 and the said FIR was lodged after a delay of 19 days on 07.01.2019. According to him, though the concession of pre-arrest bail was extended to him on 28.03.2019 by the Court of Sessions, but as he failed to join the investigation, his bail application was dismissed on 02.04.2019. He further submits that in the given facts, the

custodial interrogation of the petitioner may not be necessary.

Notice of motion for 15.11.2021.

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

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 her, 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 Jagdeep Singh, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner 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 07.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

15.11.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No