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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.28397 of 2021 (O&M)

Date of decision: 22.07.2021

Suresh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0118 dated 04.05.2020 registered under Sections 380, 457 IPC (Sections 411, 201 IPC added later) at Police Station Civil Lines, Patiala, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Ajay Kumar, it is stated that he is doing small business and he resides with his wife and 02 sons. On 27.04.2020, he received an information that his father-in-law is sick and to know about his well being, he went to Patiala and when he came back to his house, he found that some one has committed the theft of cash and jewellery. It is further submitted that later on, during the investigation, the police recorded the statement of Shalu, who is wife of the complainant – Ajay Kumar, wherein she has stated that theft has been committed by her mother-in-law Sunita, Kalia, brother-in-law and others. It is further submitted that during the

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investigation, the complainant suffered a supplementary statement in which he has named some persons.

Counsel for the petitioner has also submitted that Sunia and Happy were arrested and on the disclosure statement of Sunita, the name of the petitioner surfaced as a person with whom she has kept the jewellery. It is further submitted that the only allegation against the petitioner is of Section 411 IPC and the main accused have already been released on bail. It is further argued that the petitioner is ready to join the investigation. It is also submitted that in fact there was a matrimonial dispute, which has been given the colour of theft.

Counsel for the petitioner has further argued that the petitioner is suffering from multiple health problems and has relied upon his report (Annexure P4). Counsel for the petitioner has also submitted that on account of a third degree torture given to the co-accused and the petitioner, a petition i.e. CRWP No.4435 of 2020 has been filed, in which a direction has been issued to the police authorities to look into the grievance of the petitioner(s) regarding the threat perception at the hands of the police.

Counsel for the State, on instructions from HC Iqbal Singh, could not dispute the aforesaid facts.

After hearing the counsel for the parties, considering the fact that the main accused is already released on bail; the petitioner is ready to join the investigation; this petition is allowed and the petitioner is directed to join the investigation within a period of 10 days from today and he shall be released on interim bail subject to the following conditions:-

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- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

**(ARVIND SINGH SANGWAN)
JUDGE**

22.07.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No