

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-28750-2021

Date of Decision : November 11, 2021

Asheesh Verma

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Preetinder S. Ahluwalia, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 127 dated 19.10.2019 registered under Sections 380 and 411 of the Indian Penal Code, 1860 at Police Station Balongi, District SAS Nagar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 30.07.2021. Order dated 30.07.2021 is as under:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

CRM-22601-2021

Prayer made in the application is for addition of offence under Section 411 of the Indian Penal Code, 1860 in the head note and prayer clause of the main petition.

For the reasons given in the application, it is allowed.

Petitioner is permitted to incorporate Section 411 of the

Indian Penal Code, 1860 at the appropriate places in the petition.

CRM-M-28750-2021

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.127 dated 19.10.2019, registered for offences under Sections 380 and 411 of the Indian Penal Code, 1860 at Police Station Balongi, District S.A.S. Nagar (Annexure P-1).

Counsel for the petitioner urges that the petitioner is not named in the FIR and FIR has been registered by the complainant alleging that his son, Gagandeep Singh, who is a drug addict, stole gold ornaments from his house. Counsel contends that theft is alleged to have been committed six months prior to lodging of FIR and the stolen ornaments have allegedly been sold to the petitioner, though the petitioner has been arraigned as an accused after more than one year and 10 months of the registration of the FIR on the basis of disclosure statement, which has been manipulated and antedated.

Notice of Motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of respondent-State.

List on 11.11.2021.

Meanwhile, the petitioner shall appear before Arresting/Investigating Officer on 18.08.2021 at 10.00 A.M. and join the investigation and would appear as and when called for and in the event of arrest, 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) Cr.P.C. ”

Learned State counsel, who is present in the Court, on instructions from ASI Balwinder Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and

no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 30.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 11, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No