

CRM-M-31664-2021.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31664-2021.

Date of Decision:-13.09.2021.

Aman Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0050 dated 28.04.2021 under Section 379 IPC (Sections 411 and 34 IPC added later on), registered at Police Station Division 1, District Police Commissionerate, Jalandhar.

On 10.08.2021, this Court was pleased to pass the following order:-

“It is inter alia contended by learned counsel for the petitioner that two FIRs have been registered with respect to the theft of Alto car bearing No.PB-12-E-3289 of white-colour. As far as FIR No.48 dated 28.04.2021 under Sections 379 and 411 read with Section 34 of IPC registered at Police Station,

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Division No.2 District Police Commissionerate Jalandhar is concerned, the petitioner was specifically named and after having suffered incarceration for approximately 50 days, the petitioner was granted regular bail by the Vacation Judge (Addl. Sessions Judge), Jalandhar vide order dated 16.06.2021 (Annexure P-3).

Learned counsel has further submitted that now the Police is wanting to arrest the petitioner in the present FIR i.e. FIR No.0050 dated 28.04.2021 under Section 379 of IPC, (Section 411 & 34 of IPC added lateron) registered at Police Station Division No.1 District Police Commissionerate Jalandhar and the anticipatory bail of the petitioner in the said case has been dismissed vide order dated 27.07.2021 by the learned Addl. Sessions Judge, Jalandhar (P-4). It is submitted that the petitioner cannot be tried twice for the same alleged offence. Moreover, in the present FIR, the petitioner has not been specifically named.

Notice of Motion.

On advance notice, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the State. In the meantime, the petitioner is directed to appear before the Investigating Officer to join the investigation and in the event of arrest, he be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. He shall also continue to join

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*the investigation as and when called upon to do so and shall
abide by conditions as envisaged under Section 438(2) Cr.P.C.
Adjourned to 13.09.2021.”*

Learned counsel for the petitioner has submitted that in pursuance of the above said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Narender Mohan Lal, has submitted that the petitioner has joined the investigation and is no more required for further investigation.

Keeping in view the above said facts and circumstances, moreover the fact that the petitioner has joined the investigation and is no more required for further investigation, the present petition is allowed and interim order dated 10.08.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

September 13, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No