

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRM-M-32774-2021

Date of decision: - 09.11.2021

Sushil Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.54 dated 18.04.2019 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station Dinanagar, Tehsil Dinanagar, District Gurdaspur, Punjab.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of order passed by this Court on 13.08.2021. Order dated 13.08.2021 is as under:

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.54

dated 18.04.2019 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station Dinanagar, Tehsil Dinanagar, District Gurdaspur, Punjab.

Learned counsel for the petitioner argues that in the present case, the complainant had hired a truck on rent along with the driver from a contractor and the said complainant had loaded the said truck for transporting the rice from Dinanagar to Sri Nagar.

Learned counsel for the petitioner submits that the petitioner has no role in transportation of the rice as the petitioner is only the owner of the vehicle, which was given on rent to one Hari Singh, who was engaged as a transporting contractor by the complainant and the missing rice has already been recovered by the police. Therefore, nothing is to be recovered from the petitioner, hence, the custodial interrogation of the petitioner is not necessary.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

On the instructions from ASI Dharmjit, learned counsel for the respondent-State concedes that the rice being transported which was stated to be missing, has already been recovered. Learned counsel for the respondent-State submits that the petitioner was not joining the investigation to unearth the truth.

Learned counsel for the petitioner submits that as the petitioner is ready to join the investigation and to cooperate with the same, he may kindly be granted the benefit of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts recorded hereinbefore that the rice stated to be missing has already been recovered by the police and the petitioner is only the owner of the vehicle, which was given on rent to a contractor engaged by the complainant for transporting the rice, a chance is given to the petitioner to join the investigation and cooperate. As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 09.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from ASI Jugal Kishore, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 13.08.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petition stands disposed of.

November 09, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No