

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-33765 of 2021
Date of Decision : 11.11.2021

Arun Deep

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pardeep Bajaj, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.29 dated 24.03.2021 registered under Section 379 of the IPC (Sections 473, 411, 482 and 120-B of the IPC added later on) at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by this Court on 19.08.2021. Order dated 19.08.2021 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.29 dated 24.03.2021, registered under Section 379 IPC (Sections 473, 411, 482 and 120-B IPC added later on), at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner argues that the petitioner was granted interim bail by the trial Court in respect of the allegations alleged in the FIR, but ultimately, the petition was dismissed on 08.07.2021 on the ground that the petitioner did not get the recovery of

certain items effected. Learned counsel for the petitioner submits that the petitioner joined and cooperated with the investigation and once, the items which are sought to be recovered are not in the possession of the petitioner, how can the recovery be got effected of the same.

Notice of motion for 11.11.2021.

Mr. Sandeep Kumar, 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 respondent-State. Learned State counsel, on instructions from ASI Kulwant Singh, submits that the allegations alleged against the petitioner is that he had stolen the truck and changed the chasis number before the same was sold and therefore, the bricks lying in the truck at the time when the same was stolen and dye plates used to change the chasis number is within the knowledge of the petitioner, which he is not disclosing despite being directed to cooperate with the investigation while granting him the benefit of interim bail.

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

The anticipatory bail is to be granted keeping in view of the allegations against an accused and to ascertain whether, the purpose of investigation will be achieved with the custodial interrogation only or the same can be solved in case an accused is directed to join the investigation and cooperate. Non-recovery of items is to be seen in the facts and circumstances/evidence, which had already come on record during the investigation. In the present case, nothing has been pointed out by the learned State counsel that any evidence has come on record during investigation which points out that the bricks and dye plates are in the possession of the petitioner.

Keeping in view the facts & circumstance of this case narrated hereinbefore, the petitioner has made out a case for the grant of anticipatory bail, especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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 inducement, threat or promise to any person acquainted with 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.

Learned State counsel is directed that in case any evidence comes on record with regard to the possession of the bricks and dye plates with the petitioner, the same be put to the petitioner during investigation and be produced before this Court as well on the next date of hearing.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Baljinder Singh, states that in terms of the order passed by this Court reproduced before, the petitioner has joined the investigation and he is not required for further interrogation at this stage.

In view of the above, the order dated 19.08.2021 passed by this Court 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 petition stands disposed of.

November 11, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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