

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-36498 of 2021

Date of Decision : 23.11.2021

Sandeep Singh @ Soni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Munish Gulati, 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. 6 dated 13.01.2019 registered under Section 379 of IPC at Police Station City Zira, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 06.09.2021. Order dated 06.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.6 dated 13.01.2019 registered under Section 379 of IPC at Police Station City Zira, District Ferozepur.

Learned counsel for the petitioner argues that the allegations of motorcycle being stolen are dated 26.11.2018 whereas FIR was got registered on 13.01.2019. Learned counsel submits that even in the FIR, the petitioner has not been named whereas the petitioner is being roped in the present case without any valid justification or any evidence

which relates the petitioner with the offence as being alleged in the FIR.

Notice of motion.

Mr. Rana Harjasdeep Singh, 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.

Learned counsel for the State concedes that FIR with regard to the motorcycle being stolen was registered after approximately more than 1-1/2 months and the petitioner has not been named in the FIR.

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

Keeping in view the fact that the petitioner was not named in the FIR and the FIR was registered after a period of 1-1/2 months and nothing has been produced before this Court as of now so as to relate the petitioner with the allegations, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation as he has undertaken to cooperate with the investigation.

Petitioner is directed to join and cooperate in 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 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.

Adjourned to 23.11.2021

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 Jagjit Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 06.09.2021 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 petition stands disposed of.

November 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No