

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

(204)

CRM-M-37532-2021.
Date of Decision:-11.11.2021.

Makhan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Himanshu Puri, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.155 dated 18.07.2021 under Sections 420, 336, 427 and 120-B of IPC, registered at Police Station Canal Colony, District Bathinda.

On 10.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.155 dated 18.07.2021 registered under Sections 420/336/427/120-B of the Indian Penal Code, 1860 at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner inter alia

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contends that even as per the prosecution case, the petitioner was not arrested at the spot and in fact, the petitioner is residing in Faridkot whereas the tanker in question has been parked in Bathinda. He has further submitted that although, the petitioner is owner of the said tanker but the tanker was parked in Bathinda on the land of co-accused Jaswinder Singh to whom the petitioner was giving Rs.300/- per month for parking the tanker there.

Notice of motion.

On asking of the Court, Mr. C.L. Pawar, Sr. DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 11.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions from ASI Gurmail Singh, has submitted that the petitioner is not required for further investigation.

Keeping in view the above-said facts and circumstances,

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moreso, the facts which have been noticed in the order dated 10.09.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 10.09.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 11, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No