

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38445-2021

Date of decision : 30.11.2021

Chamkaur Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhinav Jain, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.164 dated 07.08.2021 registered under Section 379 IPC at Police Station Baghapurana, District Moga, Punjab.

On 16.09.2021, this Court had passed the following order:-

“Prayer in the present petition filed under Section 438 of Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.164 dated 07.08.2021 registered under Section 379 of the Indian Penal Code, 1860 at Police Station Baghapurana, District Moga, Punjab.

Learned counsel for the petitioner inter alia contends that even as per the prosecution case, the petitioner was not caught committing any theft and it is only on the statement of Jaswant Singh to the effect that he has come to know that the petitioner alongwith other person had committed theft. He further submits that the petitioner has been falsely implicated and he is not involved in any other case and is a poor person.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 30.11.2021.

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 said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jagsir Singh, has submitted that the petitioner has joined the investigation on 22.09.2021 and is no more required for custodial interrogation.

Keeping in view the above said facts and circumstances, more so the fact which had been stipulated in the order dated 16.09.2021, and also the fact that the petitioner has joined investigation and is no more required for custodial interrogation, the present petition for anticipatory bail is allowed and interim order dated 16.09.2021 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

November 30, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No