

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-44877-2021

Date of Decision : December 16, 2021

Jagjit Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tarun Sharma, Advocate, for the petitioner.

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

Mr. Rahul Arora, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.74 dated 06.08.2021 registered under Sections 307, 379, 506, 447, 427 and 511 IPC and Sections 25 & 27 of the Arms Act, 1959, at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 28.10.2021. Order dated 28.10.2021 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.74 dated 06.08.2021 registered under Sections 307, 379, 506, 447, 427 and 511 IPC and Sections 25 & 27 of the Arms Act, 1959, at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner argues that no injury

has been attributed to the petitioner and there is no allegation alleged against him of using any fire arm. Learned counsel for the petitioner further argues that the only allegation alleged against the petitioner in the present petition is with regard to the driving of the tractor into the fields of the complainant and thereafter, it is alleged that certain items were also found stolen, which were attributed to the petitioner. Learned counsel for the petitioner submits that similarly situated co-accused, namely, Lakhbir Singh and Baldev Singh, have already been granted the concession of anticipatory bail, therefore, on the ground of parity, the petitioner be also extended the benefit of anticipatory bail.

Notice of motion for 16.12.2021.

Mr. Kirat Singh Sidhu, DAG, 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 concedes the fact that co-accused, namely, Lakhbir Singh and Baldev Singh have already been extended the benefit of anticipatory bail and also the fact that there is no injury attributed to the petitioner.

Learned counsel appearing on behalf of the complainant submits that the tractor with which, the fields belonging to the complainant were cultivated, belong to the petitioner and the petitioner trespassed on the property of the complainant and further, while escaping from the scene, certain items lying in the fields were also stolen by him, therefore, the custodial interrogation of the petitioner is necessary to recover the said stolen items.

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

In the present case, the allegations are yet to be proved during the trial. It is conceded that there is no injury attributed to the petitioner and there is no allegation of using any fire arm by the petitioner. As far as the allegations with

regard to the cultivating the land of the complainant by the petitioner and stealing the items lying on the said property, the same are yet to be proved during the investigation. Learned counsel for the petitioner has undertaken that the petitioner will join and cooperate with the investigation in all manners so as to illicit the truth. That being so, the petitioner has made out a case for the grant of anticipatory bail.

Hence, 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, who is present in the Court, on instructions from ASI Gurdev Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 28.10.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 16, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No