

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49202-2019 (O&M)

Date of Decision:- 13.8.2021

Manish Kumar

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Sandhu, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jagroop Singh.

Mr. P.K.S. Phoolka, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.182, dated 24.10.2019, Police Station Sadar Bathinda, under Sections 457, 380, 447, 511, 506 IPC.
2. At the time of issuance of notice of motion on 20.11.2019 the following order was passed:

“It is contended by learned counsel for the petitioner
that it is not even disputed that father of the petitioner,

who is also the co-accused, is the owner of the shop in dispute. Still it is further submitted that since there is decree obtained by the complainant restraining the owner from interfering in his possession, therefore, the petitioner is even not interfering in the possession of the complainant. He intend to take his legal remedies to reclaim his possession, in accordance with law. However, to pressurise the petitioner/real owner, the present FIR has been got registered; as a measure of pressure tactics only. Otherwise, even the complainant has taken 122 days in lodging the FIR; qua the alleged theft from the said shop.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab, accepts notice on behalf of the State and Mr. PKS Phoolka, Advocate, who is present in Court, accepts notice on behalf of the complainant.

Adjourned to 26.3.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his 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.”

3. Learned State counsel, upon instructions from ASI Jagroop Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not required for any custodial interrogation. It has also been informed that co-accused Ashok

Kumar, father of the present petitioner has already been granted anticipatory bail.

4. In view of the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 20.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No