

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

CRM-M-10206-2022 (O&M)
Date of Decision:-21.9.2022

Davinder Singh Gill ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Kumar Manchanda, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Harpreet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.21, dated 29.1.2022, Police Station City South, Moga, under Sections 454 and 380 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 10.3.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.21, dated 29.1.2022, Police Station City South, Moga, under Sections 454, 380 IPC.

The allegations, in nutshell, are to the effect that the petitioner who was working as a Peon, in the school being run by the complainant had stolen an amount of Rs.1.25 lakhs and earpods from an almirah kept in the house of the complainant.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case as the petitioner had refused to do menial jobs which he was asked to do by the complainant in the school as the petitioner infact was working as a security guard and is an educated person. Learned counsel further submits that even as per the FIR, it is only on the basis of suspicion that he has been roped in. Learned counsel submits that the falsity of the FIR would be evident from the fact that while the occurrence is stated to have taken place on 14.1.2022, the information in respect of the same was furnished to the police station on 29.1.2022 and on the same very day the police chose to lodge FIR without making any inquiry. Learned counsel has also submitted that the petitioner is not involved in any other case.

Notice of motion for 21.9.2022.

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

3. Learned State counsel, upon instructions from ASI Harpreet Singh, has informed that pursuant to interim directions, the petitioner has joined investigation but has not got the amount allegedly stolen and the ear pods recovered. It has also been informed that the petitioner otherwise is not involved in any other case.
4. This Court has considered the rival submission.
5. The contention of the learned State counsel to the effect that the petitioner has not got the amount allegedly stolen and the ear pods recovered cannot be made a basis for declining grant of bail as the petitioner cannot be forced to

get any amount recovered as the same could even be said to be self inculpatory. In any case, since the petitioner has already joined investigation and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 10.3.2022 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.

21.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No