

Date of Decision : 13.01.2022

..... Respondent

per the allegations contained in the FIR against the petitioner Balbir Singh that he had grabbed the complainant by his hair and threw him on the ground and, therefore, no serious role has been attributed to the petitioner. Learned counsel for the petitioner has submitted that it was a case which was planted upon the petitioner has falsely implicating him as the place of the resident of petitioner is 200 km away from the venue of the incident and apart from the same the petitioner was having a very weak eye sight and it was very difficult for him to go out and regarding which he has placed on record medical record Annexure P-1. Learned counsel for the petitioner has further submitted that the petitioner has got no adverse criminal record and the allegations against him that he has snatched some gold chain of the complainant is also a bald allegation and only an afterthought.

Learned counsel for the petitioner has further submitted that vide order dated 30.07.2021, this Court had granted interim bail to the petitioner and in pursuance of the aforesaid order, he has joined investigation and has also surrendered his passport before the Investigating Officer and has, therefore, prayed that the order dated 30.07.2021 may be made absolute.

Learned State counsel has submitted that although the reply could not be filed in the present case despite the order passed by this Court but he has instructions from ASI Raghubir Singh, who states that in pursuance of the order passed by this Court on 30.07.2021, the petitioner has since joined investigation. However, the recovery of gold chain is yet to be made.

I have heard learned counsel for the parties.

Despite order dated 30.07.2021, passed by this Court, reply has not been filed by the State.

Today, learned State counsel, on instructions, has stated that in pursuance of the order dated 30.07.2021, passed by this Court, the petitioner has joined the investigation. However, he has opposed the grant of anticipatory bail to the petitioner only on the ground that gold chain is yet to be recovered. However, on the other hand, as per the submission made by learned counsel for the petitioner, the petitioner has been falsely implicated in the present case and there is no question of recovery from the petitioner and, therefore, on this ground he cannot be denied the concession of anticipatory bail. There appears to be weight in the arguments raised by the learned counsel for the petitioner. It is yet to be determined and ascertained as to whether the petitioner has committed any theft or not. The petitioner has admittedly joined the investigation in pursuance of the order dated 30.07.2021, passed by this Court and therefore, the ground taken by the learned State counsel that the recovery of gold chain is yet to be effected is not sustainable.

Therefore, considering the totality and circumstances of the present case, I deem it appropriate to allow the present petition. Consequently, the present petition is allowed. The order dated 30.07.2021, granting interim bail to the petitioner is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

13.01.2022
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No