

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-28212-2022 (O&M)**

**Date of Decision: 08.09.2022**

**Prabhat**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Chandan Singh Rana, Advocate,  
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

Mr. Deepak Aggarwal, Advocate,  
for the applicant-complainant.

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**VIKAS BAHL, J. (Oral)**

**CRM-32777-2022**

By this application, the applicant-complainant seeks permission to place on record the reply filed on behalf of the complainant.

The application and allowed and the reply filed on behalf of the complainant is ordered taken on record.

**CRM-M-28212-2022**

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 125 dated 02.06.2022, under Sections 457/380 of the IPC, registered at Police Station Sadar Nabha, District Patiala.

On 06.07.2022, this Court was pleased to pass the following order:-

*“Inter alia contends that the petitioner is only an*

*employee of M/s M.G. Trading Company and that Deepak Kumar is owner of the property with respect to which, the alleged theft had taken place and the said Deepak Kumar had purchased the property vide sale deed dated 24.02.2021 and had let it out to M/s M.G. Trading Company, whose sole proprietor is the wife of Deepak Kumar namely Manita Rani and the said M/s M.G. Trading Company has filed a civil suit, in which, the present complainant-Chanchal Kumar has been made one of the defendants and the trial Court vide order dated 26.08.2021 (Annexure P-2) has been pleased to issue notice of motion and has also restrained the defendant therein from interfering in the peaceful possession of the plaintiff, except in due course of law. It is further submitted that the said interim order is continuing and the civil suit is now fixed for 21.07.2022. It is contended that it is thus, the firm of which the petitioner is an employee, which is in possession of the disputed property and thus, the question of having committed theft does not arise. It is also submitted that even as per the FIR, the mobile phone and cash amount have not been taken.*

*Notice of motion for 18.08.2022.*

*In the meantime, in the event of arrest, the petitioner shall 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.*

*Learned counsel for the State and complainant are granted liberty to place on record all the relevant documents in order to show that the petitioner does not deserve the concession of anticipatory bail.”*

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gurcharan Singh, has submitted that the petitioner has joined the investigation and is

not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.07.2022, and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and the dispute has civil trappings, the present petition is allowed and the interim order dated 06.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 08, 2022

nitin

(VIKAS BAHL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |