

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-38420-2021

Date of decision: - 17.05.2022

Sandeep and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present first petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.138 dated 14.07.2021, registered under Sections 457 and 380 IPC, at Police Station Sirhind, District Fatehgarh Sahib.

The FIR in the present case was registered on the statement made by Parminder Singh Tiwana to the effect that on 13.07.2021 at around 7.00 PM, he, along with his wife, had gone to Mohali and when they returned to their place on the next day, at 11.00 AM, they found that the lock of their house was broken and when they entered inside, they found that household articles were scattered and several expensive articles including LED 50 Inches make Sony, utensils and sound system etc. were stolen.

During investigation, the call details record and tower locations showed that the present petitioners were present in the vicinity/locality of the complainant and they were found roaming around the said spot at midnight, at about 12:00-01.00 a.m. and when they were called for investigation, they failed to explain their presence in the said area at midnight and after having been granted anticipatory bail, they did not cooperate with the investigation and did not produce their mobile phones before the investigating agency and had given evasive replies with respect to their presence.

On 16.09.2021, a Co-ordinate Bench of this Court was pleased to issue notice of motion and had granted interim protection to the petitioners after making a specific observation to the effect that in case the petitioners did not cooperate with the investigation, appropriate order would be passed on the next date of hearing. Thereafter, on 07.12.2021, it was pointed out by learned State counsel that the petitioners were not cooperating with the investigation and accordingly, they were again directed to join the investigation on 14.12.2021 at 11.00 AM and the matter was adjourned to 24.01.2022.

Today again, learned State counsel has pointed out that the petitioners have not even joined the investigation, much less, cooperated with the investigation. The case has been called on three occasions, but none has appeared on behalf of the petitioners.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioners, in spite of repeated opportunities, have not cooperated with the investigation and after passing of the last

order, have still not joined the investigation and there are serious allegations against the petitioners for which their custodial interrogation is very much necessary in the present case in order to find out the truth, thus, no ground is made out for the grant of anticipatory bail to the petitioners and the present petition is accordingly dismissed.

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.

May 17, 2022
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No