

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-34353-2022 in/and
CRM-M-35372-2022 (O&M)
Date of Decision: 15.09.2022****Mulakh Raj @ Vicky****.....Petitioner****Vs.****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE VIKAS BAHL****Present: Mr. Munish Puri, Advocate,
for the applicant-petitioner.****Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.*************VIKAS BAHL, J. (Oral)
CRM-34353-2022**

This is an application filed under Section 482 of the Cr.P.C. for amendment of headnote as well as prayer clause of the accompanying petition, to the effect that Section 411 of the IPC be added in the same.

Learned counsel for the applicant-petitioner has submitted that an offence under Section 411 of the IPC has been added in the present case.

Keeping in view the averments made in the application, the present application is allowed and Section 411 of the IPC is ordered to be added in the headnote as well as in the prayer clause of the petition.

The Registry is directed to carry out the necessary corrections in the headnote, as well as in the prayer clause of the petition.

CRM-M-35372-2022

This is the first petition under Section 438 of Cr.P.C. for grant

of anticipatory bail to the petitioner in case FIR No. 0057, dated 19.07.2022, under Sections 457/380 (Section 411 of the IPC was added later on), registered at Police Station Taragarh, District Pathankot.

On 29.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is a poor person earning his livelihood by riding an auto rickshaw which is in the name of his mother and the registration number of the same is PB06-AU-4159 and has submitted that the petitioner had dropped the accused persons close to the place of occurrence as they had paid Rs.300/- and was waiting for them to return and no role in the alleged theft has been attributed to the petitioner. It is further submitted that recovery in the present case has already been effected from the co-accused and the petitioner is not involved in any other case and is earning his livelihood by running the above said auto rickshaw.

Notice of motion.

On advance notice, Mr.Ramdeep Partap Singh, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 15.09.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Hardeep 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 29.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.08.2022, 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.

September 15, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No