

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-39468-2021

Date of decision: - 31.08.2022

Prem

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.255 dated 27.08.2021, under Sections 379 and 34 IPC, registered at Police Station City Ferozepur, District Ferozepur.

On 22.09.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; he has no criminal antecedents; there is an unexplained delay of 28 days in lodging of the FIR; the trolley in question is presently in the complainant's possession and therefore, no recovery is to be made from the petitioner and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr.J.S.Ghumman, DAG, Punjab, accepts notice on behalf of the respondent and submits that there is enough evidence with the State, which includes CCTV footage, which shows the petitioner and his co-accused stealing the trolley in question.

Adjourned to 30.09.2021.

Before the adjourned date, the State shall file a status report and produce the alleged CCTV footage for perusal of the Court.

Till the adjourned date, the petitioner's arrest is stayed.

(DEEPAK SIBAL)
JUDGE

22.09.2021"

Thereafter, on 01.12.2021, Co-ordinate Bench of this Court was pleased to pass the following order: -

"The matter has been taken up through video conferencing.

After going through the status report filed by the State the hearing of the matter is deferred to 30.03.2022.

In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.255 dated 27.08.2021 registered under Sections 379 and 34 IPC at Police Station City Ferozepur, District Ferozepur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

(DEEPAK SIBAL)
JUDGE

01.12.2021"

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 Pawan Kumar, 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 22.09.2021 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 01.12.2021 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.

August 31, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No