

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40623 of 2022 (O&M)
Date of decision : 06.12.2022

Masum Ali & anr.

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vivek K.Thakur, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

The petitioners have prayed for grant of pre-arrest bail in FIR No.73 dated 14.08.2022 registered under Sections 379/411 IPC, at Police Station Garhdiwala, District Hoshiarpur, Punjab.

On 07.09.2022 while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.73 dated 14.08.2022 for offences punishable under Section 379 and 411 IPC, 1860 registered at Police Station Garhdiwala, District Hoshiarpur, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the the petitioner was not nominated in the FIR but has been nominated on the basis of disclosure statement suffered by the co-accused. The buffaloes which were stated to be stolen already stand recovered, thus, custodial interrogation of the petitioner will not be required.

Notice of motion.

On the asking of the Court Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab who is present in Court accepts notice.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety

bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

To come up on 06.12.2022.”

Today, learned State counsel, on instructions from ASI Naam Dev, has stated that pursuant to the order dated 07.09.2022, the petitioners have joined investigation and are no longer required for custodial interrogation.

In view of above, the interim order dated 07.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No