

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47232-2021

Date of decision : 28.03.2022

Dharmvir Pathak

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sandeep Kumar, Advocate
for the petitioner.

Mr.Harpreet S.Multani, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.80 dated 04.07.2021 registered under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Talwandi Chaudrian, District Kapurthala.

On 24.02.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, contends that other than the statement of the police official recognizing the petitioner, there is no other material to link the petitioner with the alleged offence as the petitioner has no concern with the tractor trolley, JCB Machine or the motorcycle which has been stated to be recovered and the petitioner was not apprehended on the spot also. It is further submitted that the petitioner was involved in one more FIR by the same police station but was acquitted in the same.

Adjourned to 28.03.2022.

Meanwhile, petitioner is directed to join the investigation.

In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

(VIKAS BAHL)
JUDGE

24.02.2022”

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

Learned State counsel, on instructions from SI Jaswant Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 24.02.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 24.02.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

March 28, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No