

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47441-2021

Date of decision : 21.03.2022

Jaspal Singh @ Pali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Naveen Bawa, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, 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.0248 dated 16.10.2021 registered under Sections 379, 411, 473, 34 IPC at Police Station Haibowal, District Ludhiana.

On 12.11.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner submits that the FIR has been registered on the basis of a secret information wherein it is alleged that it is the co-accused namely Saurav Kapoor who steals motorcycles, Activa scooty and motorcycles and further sells the same to the petitioner who is a scrap dealer and to one Ganga Ram who is a cycle mechanic.

Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and that in any case even if the allegations are taken to be

correct, it is the co-accused against whom the allegations of theft has been levelled and that the only allegation against the petitioner is that he had purchased the stolen articles and that it would be a matter of evidence as to whether the petitioner had knowledge as to whether the articles allegedly purchased were stolen or not. It has further been submitted that the petitioner has a clean record and is not involved in any other case.

Notice of motion for 21.3.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer 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 said order, petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhwinder Singh, has submitted that the petitioner has joined investigation and he has been found innocent.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 12.11.2021, and also the fact that the petitioner has joined the investigation and has been found innocent, the present petition is allowed and the interim order dated 12.11.2021 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 adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 21, 2022
Davinder Kumar

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