

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M-49277-2021

Date of Decision: 01.04.2022

Kulwinder Singh @ Shinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Bhanu Pratap Singh, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Madan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.71, dated 06.07.2019, Police Station Haryana, District Hoshiarpur, under Sections 457/380/411/414 IPC.
2. At the time of issuance of notice of motion on 25.11.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.71, dated 6.7.2019, Police Station Haryana, District Hoshiarpur, under Sections 457, 380, 411, 414 IPC.

The FIR was lodged at the instance of Ravinder Singh wherein it is alleged that on 28.3.2019 some unknown persons had broken the lock of his shed and had stolen agricultural implements, LCD, CCTV cameras and DVR. The complainant has alleged that subsequently he came to know that theft had been committed by

Sharanjit, Baljit and Gurpreet and consequently he got the FIR lodged on 6.7.2019. The aforesaid accused were arrested on the same day itself. It is further the case of prosecution that Sharanjit suffered a disclosure statement to the effect that he along with Baljit, Gurpreet and Shinda (petitioner) had committed the theft on 28.3.2019 and that Shinda is a mechanic who helped in dismantling the agricultural implements for facilitating theft of the same.

Learned counsel for the petitioner has submitted that apart from the fact that the FIR was lodged belatedly, the petitioner was never named in the FIR wherein three persons were named specifically and that he came to be nominated subsequently on the basis of a disclosure statement allegedly made by co-accused Sharanjit which can hardly carry any evidentiary value. Learned counsel has further submitted that he has never been declared a 'Proclaimed Offender'.

Notice of motion for 1.4.2022.

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.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by

this Court vide order dated 25.11.2021 are hereby made absolute subject

to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

01.04.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**