

CRM-M-49589-2021 (O&M)

Date of decision: 03.03.2022

NEERAJ KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. A. S. Gulati, Advocate
for the petitioner.

Mr. Dhruv Dyal, Sr.DAG, Punjab.

SANT PARKASH, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, petitioner seeks anticipatory bail under Section 438 Cr. P. C. in case FIR No. 129 dated 17.09.2021 registered under Sections 379, 447 and 380 IPC at Police Station Nurpur Bedi, District Rupnagar.

On 26.11.2021, this Court has passed the following order :-

*Heard through video conferencing.**“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.129 dated 17.09.2021, registered under Sections 379, 447 and 380 IPC at Police Station Nurpur Bedi, District Rupnagar.**The allegation against the present petitioner is that he had stolen two trolleys of gravel and sand along with 100 bricks from the land belonging to one Baljit Kaur.**From the impugned order dated 09.11.2021 (Annexure P-5) passed by learned Additional Sessions*

Judge, Rupnagar, it is evident that the primary reason for not granting the anticipatory bail was that despite two opportunities, the petitioner did not cooperate with the police.

Learned counsel for the petitioner would submit that his client is ready and willing to join the investigation as per directions.

Notice of motion for 03.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In view of the above, the petitioner is directed to join the investigation and appear before the Investigating Officer on 07.12.2021 at 10.30 a.m. for the purpose of investigation.

Meanwhile, in the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court”.

Learned State counsel on instructions from ASI Ram Kumar,

submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the above and the petitioner having joined the investigation, the order dated 26.11.2021 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly.

03.03.2022	(SANT PARKASH)	
	JUDGE	
	Whether reasoned/speaking?	Yes/No
Riya	Whether reportable?	Yes/No