

**CRM-M-50146-2021  
Date of decision-16.05.2022**

Mandeep Singh and another

...Petitioners

Vs.

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Jagjit Pal Singh Sarao, Advocate,  
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

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**MANOJ BAJAJ, J. (Oral)**

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.250 dated 06.11.2021 under Sections 457 and 380 of Indian Penal Code, 1860 registered at Police Station Samana, District Patiala, who apprehend their arrest at the hands of Police.

On 01.12.2021, this Court had passed the following order:-

*“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.250 dated 06.11.2021, registered under Sections 457 and 380 IPC at Police Station Samana, District Patiala.*

*The allegations against the petitioners are of having stolen 5 HP Motor, two girders, about 70 kg*

*angle strips, two angle channels, four planks and a plate from the haveli meant for keeping cattle, belonging to the complainant.*

*It is contended that the instant FIR has been lodged after a delay of 19 days, the reason of which has not been explained by the complainant and therefore, in support of his case, learned counsel has put emphasis on a judgment passed by Hon'ble Supreme Court of India in Dilawar Singh Vs. State of Delhi 2007(4) RCR Criminal 115 (SC). He further contends that the present FIR is counterblast of FIR No.0218 dated 10.09.2021, registered against the complainant, under Section 447 IPC and Section 13 of Punjab Village Common Land Resolution Act, 1961 at Police Station Samana, District Patiala.*

*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 the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners 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 petitioners shall make themselves available for interrogation by a police officer as and when required;*

*(ii) that the petitioners 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 petitioners shall not leave India without the previous permission of the Court.”*

Learned State counsel on instructions from HC Roop Singh states that during investigation, petitioners have been found innocent and are not required for custodial interrogation.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.12.2021 is made absolute.

(MANOJ BAJAJ)  
JUDGE

16.05.2022  
geeta

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |