

236

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

CRM-M-50068-2021

Date of decision : 21.01.2022

Sukhwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.69 dated 27.05.2021 registered under Section 379-B of the Indian Penal Code, 1860 at Police Station Kot Ise Khan, District Moga.

On 01.12.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.69 dated 27.5.2021 at Police Station Kot Ise Khan, District Moga under Section 379- B of Indian Penal Code.

The FIR was lodged at the instance of Vikram Kumar, wherein it is alleged that on 3.5.2021 when he was going on a scooter alongwith his father, two boys came on a scooty from behind and snatched his father's mobile phone. It is further stated therein that now (i.e. 27.5.2021) he has come to know the names of the two boys who had snatched the mobile phone of complainant's father are Manjinder Singh @ Kalu and Satnam Singh @ Dhami.

Learned counsel for the petitioner submits that there is a delay of about 3 weeks in lodging the FIR and that the sources from which the complainant had subsequently come to know about the names of the accused is not forthcoming. It has further been submitted that the petitioner Sukhwant Singh is not even named in the FIR and it is one Satnam Singh @ Dhami, who is named therein but subsequently on the basis of some supplementary statement stated to have been recorded on 19.6.2021, the police has been raiding the house of the petitioner and has been harassing other members of his family. It has also been submitted that previously when the petitioner had moved a petition for grant of anticipatory bail before the Court of Sessions, the same was dismissed as withdrawn pursuant to statement of the Investigating Officer to the effect that the petitioner is not required.

Notice of motion for 20.1.2022.

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 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.*

1.12.2021

*Sd/- (Gurvinder Singh Gill)
Judge”*

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 01.12.2021, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Nirmal Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 01.12.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.12.2021 is ordered to be made absolute.

However, 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 application.

21.01.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No