

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51507-2022

Date of decision : 30.11.2022

Avinash Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Khushika Setia, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, 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.0153 dated 04.07.2021 registered under Sections 454, 380 IPC at Police Station Kharar, District SAS Nagar, Mohali.

On 09.11.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and he is not the person who has committed the alleged theft. It is further submitted that co-accused of the petitioner had sold the AC and LCD to the present petitioner and the petitioner did not have the knowledge that it was stolen property. It is contended that AC has already been recovered by the police and the petitioner is also ready to return LCD within a period of two weeks from today.

Notice of motion for 30.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating

Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

*It is made clear that in case, the petitioner does not return LCD within the aforesaid period, then the present interim relief granted in favour of the petitioner would be liable to be vacated.
09.11.2022 ”*

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

Learned State counsel, on instructions from ASI Ranjit Singh, has submitted that the petitioner has got the LCD recovered and has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 09.11.2022, and also the fact that the petitioner has got recovered the LCD and has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 09.11.2022 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 the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 30, 2022
Davinder Kumar

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