

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-54967-2022
Decided on : 19.12.2022

Jagroop Singh @ Gulu

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. H. S. Rakhra, Advocate and
Mr Lakhwinder Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 84 dated
14.09.2021 under Sections 379-B and 34 IPC and Sections 25 and 27 of
the Arms Act registered at Police Station Phool, District Bathinda.

On 29.11.2022, this Court was pleased to pass the following
order:

*“Inter alia contends that as per the FIR two persons had
come on a motor cycle CT-100 Bajaj and had committed the
alleged theft of silver ornaments, the value of which was 15-
17,000/- rupees. It is submitted that the said two persons, as per
the case of the prosecution, are Malkit Singh @ Kita and
Hardeep Singh @ Mamma and the present petitioner was not
the person who had gone inside and committed the theft. It is
further submitted that the petitioner is sought to be implicated
after a delay of more than 10 months on the basis of statement
of co-accused Malkit Singh @ Kita and Hardeep Singh @
Mamma and even as per the said statement, the only allegation
against the present petitioner is that he was only doing recce of*

the shop in question. It is stated that the in order to show his bonafide and without admitting his liability, the petitioner is ready to pay an amount of Rs.10,000/- to the complainant within a period of two weeks from today.

Notice of motion for 19.12.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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.

The petitioner is directed to prepare a demand draft of an amount of Rs.10,000/- in the name of the complainant and hand over the same to the Investigating Officer within a period of two weeks from today and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period two weeks from today, then the interim order granted is liable to be vacated.

The payment of Rs.10,000/- to the complainant would be not construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 29.11.2022, the petitioner has joined the investigation and has given the demand draft for an amount of Rs.10,000/- in the name of the complainant and has handed over the same to the Investigating Officer.

Learned counsel for the State has reiterated the said facts and further 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 29.11.2022 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 29.11.2022 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.

19.12.2022
Mehak

(VIKAS BAHL)
JUDGE

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