

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

206

CRM-M-444-2023 (O&M)
Date of decision: 20.07.2023

Sukhdarshan Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Manipal Singh Attwal, DAG, Punjab.

Mr. Anurag Arora, Advocate for respondent No.2.

AMAN CHAUDHARY, J.

1. On 24.02.2023, this Court had passed the following order:-

“CRM-8825-2023:

This is application under Section 482 Cr.P.C. for placing on record complete translated copy of FIR (Annexure P-1), in compliance of the order dated 01.02.2023 passed by this Court.

For the reasons mentioned in the application, the same is allowed and Annexure P-1 is ordered to be taken on record.

The application stands disposed of.

Main Case:

Learned counsel for the petitioner has submitted that there was matrimonial dispute between Gurkirpal Singh – brother of the petitioner with his wife Navjot Kaur. Gurkirpal Singh died on 27.06.2022 in a road accident. On 04.07.2022, the petitioner came to Jalandhar to get the album from the house of the complainant, who told him that keys of the house were with her maid and he could accompany her to visit the house. He visited the house of the complainant along with maid and stayed there for 10-15 minutes and after getting the album, he clicked the photographs of the album in presence of the maid namely Ninder Kaur. The entire visit was recorded in the CCTV footage

(Annexures P-4 and P-5). The allegations levelled against the petitioner are false. Had there been some theft of gold and cash amount from the house of the complainant, then she would have immediately brought the same to the notice of the police but no call was made to the police. A written complaint was made after a few days of her arrival in the house. Such costly items could not be kept in the open and a person always keeps such things under lock and key. None would give key of such lock to the maid. Had there been broken lock, then the complainant would have called the police immediately. There was no question of any such key with the petitioner where such costly items were kept.

Counsel for the complainant as well as learned State counsel have opposed the petition on the ground that CCTV footage has not been brought on record. Due to death of her husband, the complainant was under such a condition that he could not know about the theft immediately on arrival at her house. Except the petitioner, none other person had visited the house in her absence.

Heard.

It is not the case where lock of the almirah was broken for committing the theft. It is not the case of the complainant that keys of the almirah, from where theft was committed, were lying at a particular place which was known to the petitioner.

Adjourned to 19.05.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Kashmir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 24.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

20.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No