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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1188-2023

Date of Decision: 18.04.2023

MALKIAT SINGH @ MALKIT SINGH PETITIONER

VS

STATE OF PUNJAB RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ashok Giri, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.222, dated 05.09.2022, under Section 379 IPC and 21 of Mines and Mineral (Regulation of Development Act) 1957, registered at Police Station Sidhwan Bet, District Ludhiana (Rural).

On 30.01.2023, the following order was passed:-

“Status report by way of affidavit of Satvinder Singh Virk, PPS, Deputy Superintendent of Police, Jagraon District Ludhiana (Rural), on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned counsel for the petitioner submits that the sentence provided under the different Sections in which FIR in question is registered is less than seven years. No notice under Section 41-A of Cr. P.C. has been given to the

petitioner. In support, he relies on a judgment of Hon'ble Supreme Court 'Arnesh Kumar Vs. State of Bihar and Anr, 2014 (3) RCR (Criminal) SC 527.

Learned State counsel does not dispute this fact.

Adjourned to 18.04.2023.

Meanwhile, in the event of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.”

Learned State counsel, on instructions from ASI Harjit Singh (249) Ludhiana submits that in compliance of the order dated 30.01.2023, the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of above, the order dated 30.01.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

18.04.2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No