

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

CRM-M-3796-2023

Date of decision: 11.05.2023

DAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kirat Pal Dhaliwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. On 24.01.2023, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.223 dated 26.10.2021 registered under Section 379 IPC at Police Station Sadar Dhuri, District Sangrur.

Briefly, the FIR has been registered on the basis of the statement of the complainant alleging that on 26.10.2021, 04 persons travelling in a car had stolen his Iphone. One of the persons was being called as Gurdeep Tadian by the other occupants of the vehicle.

Learned counsel for the petitioner contends the petitioner has not been named in the FIR and has been nominated on the basis of the disclosure statement of Gurdeep Tadian. The recovery has also been effected. Although, the petitioner is involved in two other cases but is on bail in those cases. FIR No.170 dated 17.10.2019, under Sections 323/341/506/148/149 IPC has been registered at P.S. Sadar Barnala and another FIR bearing No.277 dated 29.06.2021, under Sections 406/498-A IPC has been registered at P.S. Patran, District Patiala on account of matrimonial dispute of the petitioner with his wife.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 11.05.2023.

Meanwhile, it is directed that in the event of arrest, the

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petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.

3. On instructions from ASI Sukhwinder Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required. It has been further submitted that the offence under Sections 411 and 201 IPC has already been added in the instant case.

4. On a query, learned State counsel has not disputed the fact that the offence under Sections 411 and 201 IPC has been added on the basis of substantially same allegations.

5. In view of the aforesaid submissions, the order dated 24.01.2023, granting interim bail to the petitioner is made absolute.

6. However, it is made clear that this order shall also be construed to have been passed with regard to the commission of offence under Sections 411 and 201 IPC.

7. The petition is allowed.

11.05.2023

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(VIVEK PURI)
JUDGE

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