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

**CRM-M-5535-2023 (O&M)
Date of decision : 10.08.2023**

Jagseer Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Barjinder Singh, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.567 dated 13.12.2022, under Sections 457 & 380 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City Barnala, District Barnala.

2. Allegations against the petitioner are that he along with the co-accused committed theft of 172 bags of paddy from Amarnath Rice Mill, Baja Khana Road, Barnala, owned by the complainant, Bharat Mittal.

3. This Court, on 22.02.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Reply filed by way of affidavit of Satvir Singh, DSP, Sub-Division, Barnala on behalf of the State is ordered to be taken on record.

Admittedly, FIR in this case was registered against some unidentified persons who committed theft of 172 bags of paddy from Amar Nath Rice Mill, Baja Khana Road, Barnala.

State counsel apprised the Court that out of the said stolen bags, already 159 bags of paddy are got recovered by co-accused Jasnoor who was arrested in this case and has disclosed the name of the present petitioner.

Relevance of the aforesaid disclosure, if any, made by co-accused against the present petitioner is to be tested during the trial.

In the meantime, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

Now be listed on 12.7.2023.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 22.02.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

10.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No