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

CRM-M-9014-2023

Date of Decision: 11.04.2023

Mandar Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

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.05 dated 11.01.2023, registered under Sections 379 and 411 of the Indian Penal Code, 1860, at Police Station Maur, Bathinda (Annexure P-1).

On 21.02.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.05 dated 11.01.2023, registered under Sections 379 and 411 of the Indian Penal Code, 1860, at Police Station Maur, Bathinda (Annexure P-1).

Learned counsel for the petitioner, inter alia, contends that the petitioner is 68 years of age and has falsely been implicated in the present case on the basis of disclosure statement of main accused-Boota Khan and Jagpal Khan. Learned counsel also submits that the allegations levelled against the petitioner are totally false and he has been implicated due to party faction in the village, whereas, there is nothing on record which would implicate him in this case. It is submitted that main accused-Boota Khan and Jagpal Khan, from whom the alleged recovery of eight stolen

motorcycles has been effected, have been granted regular bail by the Judicial Magistrate Ist Class, Talwandi Sabo, vide order dated 20.01.2023 (Annexure P-2), whereas, the pre-arrest bail applied by the petitioner has wrongly been dismissed by the learned Special Judge, Bathinda, vide order dated 19.01.2023 (Annexure P-3). Learned counsel further submits that the petitioner is not involved in any other case except the present one. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the fact that no recovery was effected from the petitioner and his name had figured in a disclosure statement; coupled with the fact that the main accused namely, Boota Khan and Jagpal Khan, have already been granted regular bail, this Court is inclined to grant interim bail to the petitioner.

List on 11.04.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gian Chand has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 21.02.2023 passed by this Court is

made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

11.04.2023
Himani

(HARSH BUNGER)
JUDGE

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