

101 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-9444-2023
Date of Decision: 24.04.2023**

Satish Kumar @ Satti

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Raman Kumar, Advocate
 for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Satish Kumar @ Satti) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.165 dated 06.07.2022 (Annexure P-1), under Section 379 of the Indian Penal Code (Section 411 of the Indian Penal Code, added later on), registered at Police Station City Malout, District Shri Muktsar Sahib.

2. A perusal of file reveals that formal notice was not issued in the present case, however on 22.02.2023, Mr. Subhash Godara, Additional Advocate General, Punjab appeared on behalf of the respondent/State, in pursuance of the advance copy of paper book having already been supplied to him.

3. Notice of motion.

4. At this stage, Mr. Subhash Godara, Additional Advocate General, Punjab accepts notice on behalf of the respondent/State.

5. On 22.02.2023, the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.165 dated 06.07.2022 (Annexure P-1), registered under 379 of Indian Penal Code, 1860 (offence under Section 411 added later on), registered at Police Station City Malout, District Shri Muktsar Sahib.

Learned counsel for the petitioner submits that the FIR was registered on the basis of the statement made by one Naresh Kumar (complainant) wherein he alleged that on 05.07.2022 at 10:00 A.M., motorcycle of the complainant was stolen from the gate near the Civil Hospital, Malout. It is further submitted that the petitioner has been falsely implicated by the complainant as minor altercation was taken place between the complainant and the petitioner. Learned counsel submits that no recovery has been effected from the petitioner and the petitioner has no role to play in the alleged occurrence. It is submitted that the petitioner is not involved in any other case. It is further submitted that the alleged motorcycle has already been recovered from co-accused and both the co-accused were apprehended on the spot with the alleged motorcycle. Learned counsel submits that the co-accused have already been granted regular/anticipatory bail. It is further submitted that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by the learned Additional Sessions Judge, Sri Muktsar Sahib, vide its order dated 14.10.2022. It is 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 or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel no recovery has been effected from the petitioner, nor is the petitioner involved in any other case. It is also not disputed that the co-accused-Amandeep and Bittu Singh have been granted bail.

List on 24.04.2023.

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.”

6. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
7. Learned State counsel, on instructions from Head Constable Baljinder Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
8. Heard learned counsel for the parties.
9. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 22.02.2023, passed by this Court, is made absolute.
10. 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) of the Code of Criminal Procedure.
11. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail

granted to the petitioner.

12. Nothing expressed hereinabove 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.

13. Present petition is accordingly disposed of.

24.04.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No