

CRM-M-10413-2023 (O&M)

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201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10413-2023 (O&M)
Date of decision : 31.10.2023

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Sandeep Sharma, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. D.A.G., Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.90 dated 27.12.2022, under Sections 379, 355, 427 and 506 of the Indian Penal Code, 1860, registered at Police Station Tibber, District Gurdaspur.

2. Above FIR was registered on the basis of statement made by one Jagjit Kaur with the allegations that petitioner caused damage to the scooty of the her husband and took away her gold earrings.

3. The Coordinate Bench, on 28.02.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“Learned counsel for the petitioner inter-alia contends
that the matter had earlier been compromised but the*

complainant backed out of the same; to show his bonafides, within 10 days from today, the petitioner shall deposit Rs.10,000/- before the concerned Illaqa Magistrate for onward disbursal of the amount to the complainant to cover any damage to her Scooty; there is a delay of 07 months in lodging of the FIR and that the petitioner shall join and cooperate with the investigation.

Notice of motion.

Mr. Arun Luthra, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 27.04.2023.

Subject to the petitioner's abiding by the afore undertaking and joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.90, dated 27.12.2022, registered under Sections 379, 355, 427, 506 IPC at Police Station Tibber, District Gurdaspur, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

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 ASI Gurnam Singh and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 28.02.2023 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.

31.10.2023
adhibikari

(MAHABIR SINGH SINDHU)
JUDGE

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