

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

(205-A)

CRM-M-10607-2023

Date of Decision : July 17, 2023

Atma Ram

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhijeet Partap Singh, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. M.S. Bhatti, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. The petitioner is seeking anticipatory bail in FIR No.11 dated 29.01.2023 registered under Sections 379, 411, 120-B, 34 of the Indian Penal Code, 1860 at Police Station Dehlon, District Police Commissionerate, Ludhiana, Punjab.
2. Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 22.03.2023. Order dated 22.03.2023 is as under:-

“Affidavits of Vaibhav Sehgal, PPS, Assistant Commissioner of Police (South), Ludhiana on behalf of the respondent-State have been filed in both cases and the same are taken on record.

Petitioners are seeking anticipatory bail in the case

bearing FIR No.11 dated 29.01.2023, under Sections 379/411/120-B/34 IPC, 1860, registered at Police Station Dehlon, District Police Commissionerate Ludhiana.

Learned counsel for the petitioners contend that the FIR has been registered on the basis of secret information to the effect that the petitioners are indulging in theft from the containers which are parked behind dhabha. It has been further contends that the petitioners were not present at the spot and have been falsely implicated on account of political rivalry with the local MLA.

On the previous date of hearing, it was pointed out by the learned counsel for the complainant that the video depicting the occurrence, wherein the Chandanpreet Singh-petitioner has also been depicted, has been passed on to the Investigating Agency.

On instructions from ASI Baljit Singh, learned State counsel submits that no such video footage has been passed on to the Investigating Agency. However, it has been submitted that Chandanpreet Singh-petitioner is involved in another case bearing FIR No.82 of 2020, under Sections 379-B/342/323/506/34 IPC and Sections 3 & 4 of SC & ST (Prevention of Atrocities) Act, P.S. Doraha, Ludhiana and Atma Ram-petitioner is involved in another case bearing FIR No.39/2022, under Sections 379/40-B IPC, P.S. Doraha, Ludhiana.

Adjourned to 17.07.2023.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the file of other connected case.”

3. Learned State counsel, on instructions from ASI Varinder

Kumar, states that in terms of the order dated 22.03.2023 of the Coordinate Bench of this Court reproduced hereinbefore, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

4. Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

5. In view of the above, the order dated 22.03.2023 granting interim bail to the petitioner is made absolute.

6. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join and cooperate in the investigation as and when called upon to do so.

7. In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

8. The present petition stands allowed.

July 17, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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