

203 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11437-2023
Date of Decision: 01.05.2023

Sonu Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kuldip Singh, Adovcate for the petitioner.

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

HARSH BUNGER J. (ORAL)

1. Petitioner (Sonu Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.14 dated 09.02.2023 (Annexure P-1), under Sections 186, 342, 353, 379 and 506 of the Indian Penal Code, registered at Police Station Vairo Ke, District Fazilka.

2. On 03.03.2023, the following order was passed by this Court :-

“Present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.14 dated 09.02.2023 (Annexure P-1), under Sections 186, 342, 353, 379 and 506 of the Indian Penal Code, registered at Police Station Vairo Ke, District Fazilka.

Succinctly, facts of the case are that the complainant, namely Shinderpal, is posted as a Forest Guard, Additional Charge, Block Officer, Jalalabad, who received a written application on 07.02.2023, from Smt. Matto Bai, Sarpanch, Village Dhab Khushal Joiyan, stating that the petitioner is habitual of stealing wood by cutting down the trees from drain Tarobari and if his house be checked then a heavy

quantity of stolen wood can be recovered, whereupon, the complainant along with a daily wage worker of Forest Department, namely Chhinder Singh s/o Mahinder Singh, reached at the house of petitioner by taking along a Member Panchayat, namely Narinder Singh s/o Joginder Singh, and found a heavy quantity of wood cut down from green trees lying there. Thereafter, the petitioner was asked about the same, whereupon, he closed the main gate of his house and started hurling abuses to the complainant and giving beatings to him. The complainant was saved by Narinder Singh Panch, who hurriedly opened the gate of petitioner's house and freed the complainant from the petitioner. Thereafter, the petitioner encircled the companion of complainant, namely Chhinder Singh, and gave beatings to him as well, however, he was also saved by Narinder Singh Panch. The petitioner also gave life threats to the complainant. Thereafter, the complainant informed his officers about the said incident and consequent thereto, the present FIR was got registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he was neither present at the spot nor he has committed the alleged theft. It is further submitted that the petitioner did not inflict any injury to the complainant or stop any official from performing his duty. Learned counsel states that the said Sarpanch Matto Bai holds a grudge against the petitioner as he had earlier sought an information regarding the grant and expenses of Gram Panchayat granted to the Matto Bai (Sarpanch), by way of filing an application dated 09.03.2022 before the Block Development and Panchayat Officer, Jalalabad under the Right to Information Act, whereupon reply dated 28.03.2022 (Annexure P-2) was received from the Office of Block Development and Panchayat Officer, Jalalabad, stating that the concerned information would be provided to the petitioner at the earliest. Thereafter, the

petitioner filed first appeal on 06.06.2022 (Annexure P-3), before the First Appellate Authority, District Development and Panchayat Officer, Fazilka, which is still pending before the said Authority. It is stated that the complainant, in conspiracy with the said Sarpanch Matto Bai, has concocted a false and fabricated story against the petitioner. It is contended that no specific allegations have been levelled against the petitioner in this case. Learned counsel further contends that there is also no eye witness to the alleged occurrence. It is stated that the anticipatory bail application moved by the petitioner before the Court of Sessions Judge, Fazilka, has wrongly been dismissed, vide order dated 24.02.2023 (Annexure P-4). It is further stated that there is an inordinate delay of one day in registration of the present FIR (Annexure P-1), which was also not considered by the Court below while deciding the bail application. Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

At the asking of Court, Mr. Subash Godara, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. Learned State counsel though opposes the plea of petitioner on the ground of seriousness of the offences, however, he prays for an accommodation to seek instructions and assist the Court in this matter.

List on 01.05.2023.

Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency and in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Learned counsel for the petitioner is directed to supply complete copy of paper book to learned State counsel during the course of the day.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Sukhdev Raj, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 03.03.2023, passed by this Court, is made absolute.
7. 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.
8. 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.
9. 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 bail at this stage.
10. Present petition is accordingly disposed of.

01.05.2023

Apurva

(HARSH BUNGER)
JUDGE