

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

**CRM-M-13063-2023
Date of Decision: 17.05.2023**

Ravtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Ravtar Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.22 dated 17.03.2020 (Annexure P-1), under Sections 120-B, 379 and 420 of the Indian Penal Code, registered at Police Station Makhu, District Ferozepur.

2. On 16.03.2023, 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.0022 dated 17.03.2020, registered under Sections 379, 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Makhu, District Ferozepur (Annexure P-1).

Succinctly, the present FIR was registered on the basis

of the statement of one Raju Singh (complainant) wherein he alleged that on 16.03.2020, he loaded his truck with 600 bags of cement and went to Dinanagar, District Gurdaspur and in the night, he stayed at Dhaba in Moga. It is further alleged that on 17.03.2020 at about 6:00 A.M., when he was on GT road, a car came from behind and two persons alighted from the car, where one person was in Khaki uniform and the other one was in civil dress, asked the complainant to come down from the truck and told him that he has caused an accident for which he has to be taken to the police station. It is further alleged that one person took the keys from the complainant and took his truck trolly towards the Harike side and the complainant was told to sit in the car in which two persons were already sitting and thereafter, took the complainant and left him on Zira side. Accordingly, it is alleged that these four young men on pretext of complainant having caused an accident, have committed theft of truck by cheating him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the FIR was registered against unknown persons and thereafter one Lal Singh was arrested. It is submitted that the petitioner has been nominated as an accused on an alleged disclosure statement of Lal Singh and there is no evidence against the petitioner regarding the occurrence except the disclosure statement of Lal Singh. It is submitted that the recovery has already been effected from Lal Singh, however, 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 Sessions Judge, Ferozepur, vide its order dated 28.04.2020. Learned counsel submits that the petitioner is not involved in any other case and he is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court. Accordingly, prayer for grant of anticipatory bail has been made.

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 that the petitioner is not involved in any other case and he has been nominated as an accused on the basis of a disclosure statement of Lal Singh.

List on 17.05.2023.

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.”

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 Jhirmal 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.
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 16.03.2023, 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.

17.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No