

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-29870-2023

Date of decision: 25.08.2023

Santokh Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 07.06.2023, this Court had passed the following order:-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.10, dated 21.02.2023, under Sections 457, 380 of IPC, 1860 and Section 411 of IPC added later on, registered at Police Station Bhadson, District Patiala (Annexure P-1).

Learned counsel for the petitioner contends that the instant FIR has been registered on the information provided by one Rupinder Kaur with regard to the alleged theft in the school and during investigation two persons namely Gurmukh Singh and Gurpreet Singh were arrested from whom the alleged stolen articles have been recovered. It is brought to the notice of this Court that the petitioner has been nominated as an accused on the basis of disclosure statement of another co-accused, despite the fact that there is nothing to be recovered nor any other stolen article has been referred in the FIR qua the petitioner, who is working as a scrap dealer.

Notice of motion.

On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent-State, who opposes the prayer made in the instant petition on the ground that the petitioner received the

stolen articles knowingly well about the status of those articles, who is dealing as a scrap dealer in the area and is actually involved in connivance with the main accused.

Be that as it may in totality the version of the FIR, as no direct evidence is there to connect the petitioner in the commissioning of offence and it is apparent on record that the small time scrap dealer is being derived into the offence without any justifiable evidence on record.

In light of the discussions made hereinabove, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 25.08.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 07.06.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

25.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No