

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:109797
CRM-M-30378-2023
Date of Decision: August 23, 2023

Sukhpreet Singh @ Sukhdeep Singh @ Sukhu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jaskamal Singh Grewal, Advocate for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 13.06.2023, the following order was passed by this
Court:-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.45, dated 12.05.2023, under Sections 457 & 380 of IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib, Punjab. FIR was lodged on 12.05.2023 by School Incharge of Government Primary School, Duphera, Tehsil Bassi Pathana, as per which, on the night intervening 23/24.04.2023, some unknown persons had committed theft of LED of BPL Company, besides inverter and battery, which had been donated to the School by Sonu son of Gurdeep Singh. She also came to know that earlier on 16.03.2023, one LED, inverter, batteries and gas cylinders had been stolen from Government School Gadhera, and another similar theft was made on the night intervening 02/03.03.2023 from Sewa Kendra, Dadiana. As per the FIR, complainant also came to know that the theft had been committed by one Tinku son of Gurnam Singh and petitioner-Sukhu son of Mohan Singh.

It is pointed out by learned counsel for the petitioner that though the occurrence is alleged to have taken place on the night intervening 23/24.04.2023 but FIR has been lodged after a delay of 19 days, i.e., on 12.05.2023. There is no mention in the FIR as to how the complainant came to know that it is the petitioner and co-accused, who had committed the theft.

Notice of motion.

On the asking of the Court, Mr. Navneet Singh, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Parjinder Singh, submits that Tinku was arrested and 02 LEDs, one inverter, one battery and one gas cylinder were recovered from said Tinku but these pertain to the theft in another school and not from the school of the complainant. However, learned State counsel was at a loss for words to convince this Court as to how the investigating officer came to know that the recovered LED, inverter, etc. were stolen property, in the absence of any distinct identifiable number.

Let the detailed status report be filed by respondent-State on or before the next date of hearing with copy in advance to the counsel opposite. List on 23.08.2023.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Satnam Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 13.06.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 13.06.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

August 23, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No