

ITEM NO.215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:164945
CRM-M-31636 of 2023 (O&M)
Date of decision : 21.12.2023

Vikas Kumar @ Vikas Deli

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jagdish Singh Mahal, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl.Advocate General, Punjab.

Mr. G.S.Simble, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.77 dated 12.05.2023, under Sections 380, 418, 498, 120-B IPC, registered at Police Station City Batala, District Gurdaspur.

2. Allegations are that the petitioner alongwith co-accused Alka Bedi had committed theft of an amount of ₹1,50,000/- as well as gold ornaments from the house of complainant.

3. A Coordinate Bench of this Court, on 05.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Learned counsel for the petitioner inter alia contends that the complainant namely Amit Bedi is having matrimonial dispute with his wife Alka Bedi, who got lodged his case against his own wife for theft, and in this case petitioner has been falsely

implicated. Learned counsel further submits that the alleged theft took place on 17.04.2023, whereas, the FIR was lodged on 12.05.2023. According to him, the petitioner is willing to join the investigation and in the given facts, his custodial interrogation may not be necessary.

Notice of motion for 06.09.2023.

Meanwhile, the petitioner shall join investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from SI Balkar Singh present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner. Since learned State counsel is not asking for custodial interrogation of the petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.
7. In view of above, interim order dated 05.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail

10. Disposed off accordingly.
11. Pending application(s), if any, shall also stand disposed off.

21.12.2023
Meenu/Gaurav

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No