

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

CRM-M No.41187 of 2022
Date of decision: 2nd March, 2023

Surinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davinder S. Khurana, Advocate for the petitioner.

Mr. Sanish Girdhar, Assistant Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0021 dated 31.01.2020 under Sections 381, 411, 120-B IPC registered at Police Station Lambi, District Sri Mukatsar Sahib.

Vide order dated 09.09.2022, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioner submits that Deepak Kumar, who was working as Munshi/Accountant in the Sheller/Rice Mill owned by the complainant – Ashwani Kumar Singla, is the main accused. The allegation against said Deepak Kumar is that he has stolen 300 bags of paddy, valuing Rs. 3,00,000/-. Learned counsel submits that subsequently vide DDR No. 21, dated 02.02.2020, one supplementary statement of the complainant was recorded in which it was alleged that Deepak Kumar (main accused)

in connivance with his friends, namely, Jarnail Singh, Lavdeep Singh and Mandeep Singh, had stolen 300 paddy bags from Sheller/Rice Mill and sold to Surinder Kumar (petitioner) and one Sonu.

Learned counsel for the petitioner further submits that neither name of the petitioner is mentioned in the FIR nor he has been attributed any active role at the inception of the offence. His name is revealed out in the supplementary statement of the complainant, which he might have heard from somewhere. He further contends that petitioner can be alleged to have committed only the offence under Section 411 IPC, but there is nothing with the police to prove that he had prior knowledge of the stolen paddy bags by the main accused. In the absence of knowledge, the offence would not be made out.”

Learned counsel for the petitioner submits that in compliance of the order dated 09.09.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from HC Deepinder, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In the circumstances, the petition is allowed and the interim order dated 09.09.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner

misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

March 2, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No