

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

CRM-M-45197-2023 (O&M)

Date of decision : 09.10.2023

Dharmendra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Goraya, Advocate for the petitioner.
Mr. Joginder Pal Ratra, DAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.176 dated 16.11.2022, under Sections 379, 34 of IPC (Section 34 deleted and Sections 148, 149 of IPC added), registered at Police Station Lalru, District SAS Nagar, Mohali.

(2) Allegations in brief are that on 13.11.2022, during night complainant-Vikramjit Singh parked his trolley loaded with 80 shuttering plates and one bundle of iron rods in front of his office. Next morning at about 8 AM on 14.11.2022, he found his trolley missing. Prior thereto, one young person was seen wandering in front of office for the past two days. On asking, he disclosed his name as Mohit. Complainant is sure that trolley was taken away by the above said person along with other companions.

(3) This Court vide order dated 15.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that petitioner has been nominated on the basis of disclosure made by co-accused Mohit and there is no other criminal case pending against the petitioner.

Notice of motion for 09.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Jagtar submits that petitioner has joined investigation and his custodial interrogation is not required.

(6) In view of above, interim order dated 15.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(8) 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 matter.

(9) Disposed off accordingly.

09.10.2023

jyoti3

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No