

CRM-M-47286-2023

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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47286-2023
Date of Decision: 11.10.2023

Dharampal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Puneet Sharma, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.43 dated 12.08.2023, registered under Section 380 of the Indian Penal Code, 1860, at Police Station Cheema, District Sangrur.
2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Otherwise also, the entire allegation in the FIR is regarding the theft of an iron gate of the waterworks. However, the said iron gate has already been recovered from the arrested co-accused. Therefore, no further recovery is required to be effected in the case. There is no other case against the petitioner. However, the petitioner undertakes to join the investigation as and when so required by the police. Hence, the petitioner deserves to be protected against his arrest.

3. On the other hand, learned counsel for the respondent-State has submitted that the stolen iron gate has already been recovered from the co-accused Sukhwinder Singh. The said co-accused has made a disclosure statement naming the petitioner one of the colleagues and co-accused. Therefore, the petitioner does not deserve to be protected against his arrest.
4. In view of the fact that the only allegation against the petitioner is regarding the theft of an iron gate and the said gate already stands recovered from the co-accused, therefore, no custodial interrogation of the petitioner, as such, would be imperative in the case.
5. In view of the above, but without commenting upon merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

11.10.2023
adhikari

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