

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219 (A)

CRM-M-47698-2023

Date of Decision:15.11.2023

Raman Kumar and Another
Vs.
State of Punjab

.....Petitioners

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manu Loona, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, DAG, Punjab
assisted by ASI Harbant Singh.

DEEPAK GUPTA, J.(ORAL)

On 21.09.2023, following order was passed:

“By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.0155 dated 28.08.2023 registered under Section 379 IPC at Police Station Sadar Fazilka, District Fazilka.

FIR was lodged on the complaint of Daljeet Singh, as per which 3-4 months ago, 10 solar plates, 02 motors of 3 HP and one starter solar having plates had been stolen from his field by some unknown persons. Later on, he came to know that certain other solar plates, motors and equipments of other farmers have also been stolen collectively by the people and that these thefts had been committed by the petitioners along with others.

Learned counsel contends that there is delay of more than three months in lodging the FIR. No FIR was lodged immediately after the theft. Complainant has not disclosed the source of information as to on what basis, he has nominated the petitioners to be amongst the thieves.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the

CRM-M-47698-2023

respondent- State. Copy of the petition be supplied to him during course of the day.

Adjourned to 15.11.2023 for filing reply.

In the meantime, in case of their arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade them from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Today learned State counsel, on instructions from ASI Harbant Singh, submits that petitioners have since joined the investigation and are not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 21.09.2023 is hereby made absolute, whereby petitioners were granted interim anticipatory bail in case FIR No.0155 dated 28.08.2023 registered under Section 379 IPC registered at Police Station Sadar Fazilka, District Fazilka.

However, the petitioners shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

November 15, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No