

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-49101-2023

Date of Decision:15.11.2023

Kuldeep Kumar @ Kuldeep Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lovepreet Handa, Advocate for the petitioner.

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

DEEPAK GUPTA, J.(ORAL)

On 09.10.2023, 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 petitioner 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 petitioner to be one of the thieves.

Learned counsel further contends that co-accused Narinder Kumar @ Modi and Raman Kumar and another, have already been granted the benefit of anticipatory bail on 21.09.2023 in CRM-M-47637 of 2023 and CRM-M-47698 of 2023 respectively.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the 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 his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Harbans Singh, submits that petitioner has since joined the investigation and is 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 09.10.2023 is hereby made absolute, whereby petitioner was 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 petitioner 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.

November 15, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No