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

CRM-M-50081-2023 (O&M)

Date of decision : 03.11.2023

Surjeet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kulbir Singh Saini, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by HC Sukhwinder Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.62 dated 18.05.2023, under Sections 454, 380, 411 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Anandpur Sahib, District Rupnagar.

2. Allegations are that petitioner along with co-accused committed theft of Rs.30,000/- from the house of complainant.

3. The Coordinate Bench, on 05.10.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“1. This petition under Section 438 Cr.P.C. is filed
seeking anticipatory bail in FIR mentioned below :-*

<i>FIR No.</i>	<i>Date</i>	<i>Police Station</i>	<i>Sections</i>
62	18.5.2023	Anandpur Sahib, District Rupnagar	454/380/411 IPC, 1860

2. Brief facts of the case are that the FIR was lodged at the instance of Ramtej alleging that an amount of rupees thirty thousand was stolen from his house. During investigation, Bhagat Singh-co-accused was arrested and an amount of Rs. 22,200/- was recovered from him. The co-accused named the petitioner as his accomplice in the theft.

3. Learned counsel for the petitioner submits that it is a case of false implication due to involvement of the petitioner in a case under Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that the petitioner was named in a disclosure statement and no specific role has been attributed to him.

4. Learned counsel for the State appearing on advance notice opposes the prayer and on instructions from ASI Jog Nath submits that the co-accused has named the petitioner.

5. Without commenting on the merits of the case, having conspectus of the facts and considering that the name of the petitioner surfaced in the disclosure statement, the petitioner is granted interim anticipatory bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C .

6. List on 3.11.2023.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 05.10.2023 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.

03.11.2023

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>