

CRM-M-52089-2022 (O&M)

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202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52089-2022 (O&M)
Date of decision : 17.11.2023

Sonu Bhalla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Jaspreet Singh Brar, Advocate, for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, for the respondent.

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.54 dated 16.04.2022, under Sections 454 and 380 of the Indian Penal Code, 1860, (offence under Section 411 IPC was added later on) registered at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar.

2. Above FIR was registered on the basis of statement made by one Pratima Devi with the allegations that petitioner, along with his accomplice, has stolen Rs.1,15,000/- as well as some gold ornaments from her house.

3. The Co-ordinate Bench, on 14.11.2022, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The petitioner has filed this petition seeking grant of anticipatory bail in case FIR No.54 dated 16.4.2022 under Sections 454 and 380 of the IPC and

Section 411 of the IPC added later on registered at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar, (Pb).

Learned Counsel appearing on behalf of the petitioner, inter alia, submits that the alleged occurrence of theft had taken place on 25.2.2022 and the FIR has been registered after unexplained delay of more than one and half month i.e. 16.4.2022. The petitioner has not been named in the FIR. The petitioner is sought to be falsely implicated on the disclosure statement of co-accused Surjit Singh alias Mango wherein he alleged that the alleged stolen gold ornaments has been sold to the petitioner. Learned counsel submits that earlier the petitioner has been granted ad interim anticipatory bail vide order dated 29.9.2022 passed by Sessions Judge, Shaheed Bhagat Singh Nagar. However, the anticipatory bail application was ultimately dismissed by the Sessions Judge vide order dated 4.11.2022 on the ground that though the petitioner joined investigation on 4.10.2022, but he was not cooperating in the investigation. The petitioner is already ready and willing to join further investigation and will fully cooperate in the investigation.

Notice of motion.

On the asking of this Court, Mr. GS Sandhu, DAG, Punjab accepts notice on behalf of the respondent-State. He seeks time to have instructions.

Adjourned to 16.2.2023.

In the meanwhile, the petitioner will join investigation and appear before the Investigating Officer on 18.11.2022 at 11.00 am. On doing so, the petitioner shall be released on interim anticipatory bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join investigation as and when called for and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C. This interim protection granted by this Court shall stand vacated, if the petitioner fails to fully cooperate in the investigation.”

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 ASI Prem Lal, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of the above, interim order dated 14.11.2022 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.

17.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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