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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53463-2022

Date of Decision: 01.02.2023

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.134 dated 08.09.2022 (Annexure P-1), under Section 379 of the Indian Penal Code, 1860 and Section 21(3) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Mamdot, District Ferozepur.

On 08.12.2022, the following order was passed by this Court :-

“CRM-45082-2022:

Prayer in this application is for placing on record orders, passed by the learned Additional Sessions Judge, Ferozepur, granting bail to the applicant/petitioner, in cases being FIR No.34 dated 06.04.2018 and FIR No.8 dated 11.02.2021, under Section 379 IPC and Section 21(3) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Mamdot, in compliance of order dated 18.11.2022, passed by this Court.

For the reasons mentioned in the application, the same

is allowed and the aforesaid orders, passed by the learned Additional Sessions Judge, Ferozepur, are taken on record, subject to all just exceptions.

CRM-M-53463-2022:

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner in case FIR No.134 dated 08.09.2022 (Annexure P-1), under Section 379 of Indian Penal Code, 1860 and Section 21(3) of the Mines and Minerals (Regulation of Development) Act, 1957, registered at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that he has never committed any theft, as alleged in the present FIR. It is also submitted that the present FIR is politically motivated. Learned counsel further submits that it is not case of the prosecution that petitioner was present at the spot of the alleged occurrence and neither it is the case of the prosecution that the petitioner fled away after seeing the police party. It is also stated that registration number of the Tractor has not been mentioned in the FIR, which makes the identity of petitioner as well as the version set forth in the FIR as highly improbable and doubtful. It is also submitted that nothing has been recovered from the petitioner in this case. Learned counsel further submits that the petitioner is ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Vinay K.Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent/State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 01.02.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Sukhchain Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 08.12.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

01.02.2023

Apurva

(HARSH BUNGER)
JUDGE