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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-53969-2022****Date of Decision: 12.01.2023**

SHAMA SINGH @ SHAM LAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.193 dated 18.08.2021 registered under Sections 379 and 411 of Indian Penal code, 1860 at Police Station Sadar Samana, District Patiala.

On 21.11.2022, the following order was passed by this Court :-

“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.193 dated 18.08.2021, registered under Sections 379 and 411 of the Indian Penal Code, 1860 at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner, inter alia, contends that the petitioner has falsely been implicated in the present case. The allegation against the petitioner is that he along with his co-accused namely, Jagroop Singh were breaking the iron angles, installed around the boundary of the forest, which lateron were found missing from the spot. He further submits that the petitioner was not apprehended at the spot and nothing is to be recovered from him. Learned counsel further submits that co-accused of the petitioner namely, Jagroop Singh @ Anupa has been granted ad-interim anticipatory bail by this

Court in CRM-M-50701-2022 vide order dated 09.11.2022 and the petitioner is also similarly circumstanced as Jagroop Singh @ Anupa. He further submits that the petitioner is not involved in any other case except the present one and he is ready and willing to join investigation as and when required by the police.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, 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 12.01.2023.

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, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Harvinder Singh has not disputed the aforesaid fact of joining the investigation by the 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, the present petition is allowed and the ad-interim order dated 21.11.2022 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 bail conditions laid down under Section 438(2) Cr.P.C, the State would

be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

12.01.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No