

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-54924 of 2022(O&M)
Date of Decision: 25.04.2023

Jagjiwan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Siddharth Gupta, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 159 dated 24.09.2022, registered under Sections 420 and 380 IPC at Police Station City Rampura, District Bathinda.

The FIR in this case was registered at the instance of complainant Inderjeet Singh who has alleged that he had given loan of Rs.5,00,000/- on 02.05.2021 to petitioner and in lieu of which petitioner handed over possession of his house as mortgage to the complainant and thereafter the complainant stored his household articles and locked the said premises. However, on 25.06.2022 the complainant found that the lock had been broken and household articles were missing from there. When

complainant enquired about the same from the petitioner, he admitted having committed the theft.

On the last date of hearing, Co-ordinate Bench passed a detailed order whereby the petitioner was granted interim bail with a direction to join the investigation.

Today, the counsel for the petitioner apprised the Court that the petitioner has joined the investigation, in compliance of the aforesaid order of interim bail. The counsel for the petitioner further submits that the FIR in the present case was registered after about three months of the alleged occurrence. It is further contended that as per complainant the alleged occurrence took place on 25.06.2022 and near about the same time complainant filed civil suit and copy of the plaint of said civil suit is Annexure P-2. The counsel for the petitioner further submits that in the said plaint there is no mention of any such mortgage or lending of money and rather in the said plaint the complainant took plea that he was occupying the property in question as a tenant under the petitioner. The counsel for the petitioner further submits that the contents of plaint Annexure P-2 totally falsifies the allegations made by the complainant in the FIR.

The State counsel on instructions from ASI Sher Singh apprised the Court that petitioner has joined the investigation with the police and further submits that the petitioner is not required by the police for purpose of further investigation or custodial interrogation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and interim order dated 24.11.2022 is

made absolute subject to the conditions as envisaged under Section 438(2)
Cr.P.C.

25.04.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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