

209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59257-2022
Date of Decision: 20.03.2023

Naresh Singh @ Sohan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Pratap Singh Gill, Advocate
for the petitioner.

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

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.57 dated 03.08.2020 (Annexure P-1), under Sections 380 and 381 of the Indian Penal Code, registered at Police Station Bakshiwal, District Patiala.

On 13.01.2023, the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of pre-arrest bail in case FIR No.57 dated 03.08.2020 (Annexure P-1) registered under Sections 380 and 381 of the Indian Penal Code, at Police Station Bakshiwal, District Patiala.

Report by way of affidavit dated 12.01.2023 of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Police, has been filed on behalf of the respondent-State, in the Court today, which is taken on record, subject to just exceptions. A copy of the same has been supplied to counsel

for petitioner in the Court today.

Learned counsel for the petitioner submits that, on the basis of complaint made by one Satpal Singh, President, Gurdwara Ardaaspur situated at village Kalyan, the petitioner has falsely been implicated in this case. It is submitted that no offence under Sections 380 and 381 of the Indian Penal Code is made out against him. It is submitted that 25 Swaroops of Shri. Guru Granth Sahib Ji were kept on display at Gurudwara for public Darshan and all guru Granth Sahib were kept in the Sach Khand, out of which one of the Swaroop is Safri Saroop, which was found missing on 20.07.2020. It is further submitted that the CCTV cameras are also installed at Sach Khand, however nothing incriminating was found from the CCTV footage against the petitioner. It is submitted that it was the petitioner who had informed the Gurudwara committee on 23.07.2020 that the Safri Saroop was not traceable whereupon a committee was constituted. However, the Safri Saroop was not found. It is stated that after the registration of the FIR Special Investigating Team was constituted in the year 2020 and the petitioner had appeared before the said Special Investigating Team and provided full cooperation but nothing incriminating was found against him.

Referring to Report/Affidavit dated 12.01.2023, learned counsel for the petitioner has submitted that another co-accused namely, Satnam Singh has been granted regular bail. It is further submitted that with regard to FIR in question, a committee was constituted to investigate into the matter. Thereafter, Special Investigating Team was constituted and admittedly petitioner joined the investigation and he even underwent lie detector test wherein nothing had come out. It is submitted that FIR was registered on 03.08.2020 and now the petitioner is sought to be arrested on the ground as to why petitioner did not report in time regarding missing Saroop. Counsel submits that petitioner has nothing to do with the

alleged offence and he is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this court or by the trial Court.

Per contra, learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence. It is submitted that petitioner is involved in the theft of Safri Sarup of Shri Guru Granth Sahib Ji, which is a Rare Saroop, however it is not denied that the FIR is of the year 2020 and petitioner had earlier joined investigation before Special Investigating Team and petitioner even underwent lie detector test/polygraphy test. It is also not denied that another co-accused Satnam Singh has been granted regular bail.

Adjourned to 20.03.2023.

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 Baljinder 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 13.01.2023, 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) of the Code of Criminal Procedure.

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.

20.03.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No