

208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60984-2022
Date of Decision: 02.03.2023

Namit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Abhishek Singla, 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.103 dated 15.11.2022 (Annexure P-1), under Section 379-B of the Indian Penal Code, registered at Police Station Nurmehal, District Jalandhar Rural.

On 12.01.2023, the following order was passed by this Court :-

“CRM-546-2023

The present application is filed for placing on record a fresh translated version of FIR (Annexure P-1). For the reasons mentioned in the application, the same is allowed and Annexure P-1 is taken on record, subject to all just exceptions.

CRM-M-60984-2022

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.103 dated 15.11.2022

(Annexure P-1) registered under Section 379-B registered at Police Station Nurmehal, District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. It is submitted that the petitioner has clean antecedents and is not involved in any other case. He further submits that he is not named in the FIR , however, he has been nominated as an accused No.2 in the FIR only on the basis of disclosure statement of main accused (Santokh Singh Dosanjh). It is also submitted that the petitioner has no connection with the alleged occurrence and there is no allegation of snatching against the petitioner. Learned counsel submits that main accused (Santokh Singh) is already in custody and even the allegedly snatched mobile stands recovered from him, hence no recovery is to be effected from the petitioner, thus there is no requirement of his custodial interrogation. It is further submitted that the bail application moved by him under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Jalandhar, vide its order dated 08.12.2022. It is stated that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of offence and submits that the petitioner does not deserve the concession of anticipatory bail. However, learned State counsel has not disputed that the mobile phone stated to be snatched, already stands recovered from co-accused (Santokh Singh).

List on 02.03.2023.

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 Kulwinder 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 12.01.2023, 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.

02.03.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No