

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-65493-2023
DECIDED ON: 28.12.2023**

PRINCE KUMAR AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Saini, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.64, dated 15.09.2023, under Sections 457, 380 of IPC, 1860, registered at Police Station Behram, District SBS Nagar.
2. Learned counsel for the petitioners contends that the petitioners have not been named in the FIR and are not connected to the said offence with regard to the alleged theft taken place in the primary school at Beesla on 14.09.2023.
3. Notice of motion.
4. On the asking of Court, Mr. Rajiv Verma, DAG Punjab, who is present in Court accepts notice on behalf of respondent-State and on instructions from ASI Amrik Singh submits that the alleged theft has taken place on the intervening night of 13/14.09.2023 and FIR was registered after two days on a statement made by one teacher namely Avtar Kaur, Head Teacher. Even that statement is not very clear on that basis the petitioners have been named, despite the admitted fact that CCTV

installed at the school premises were not functional and there is no eye witness to the said occurrence, who can show any commissioning of offence on the part of the petitioners. Their name have surfaced on the basis of surmises and assumptions as per vague statement made by Head Teacher namely Avtar Kaur, to which there is no denial of the learned State counsel as well.

5. In the light of above, this Court has no reason to deny the relief sought in the instant petition. Hence, the petitioners are directed to join the investigation, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. He shall join the investigation on 31.12.2023 at 10.00 AM with the Investigating Officer. However, it is made clear that in case the petitioner fails to join the investigation on the stipulated date and time given by this Court, respondent-State is at liberty to file an appropriate application for cancellation of anticipatory bail granted by this Court. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

6. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28.12.2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>