

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215-2

CRM-M-502-2024
Date of decision: 29.02.2024

AMIL BHATIA
Versus
STATE OF PUNJAB
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Atul Goya, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e on 08.01.2024, the following order was passed:-

"Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.214 dated 4.11.2023, under Sections 380, 451, 120-B of IPC, registered at Police Station Division No.8, District Police Commissionerate, Ludhiana.

The instant FIR, was registered on a complaint sent by Naib Tehsildar (East), Ludhiana. The perusal of the FIR reveals that one local MLA, Ludhiana West, conducted a surprise inspection in the office of Patwari, at village Mahal Bagar, on dated 01.11.2023, and found three unknown persons in the office Patwarkhana, whereas, the Revenue Officer concerned, was not found in the official record room, therefore, the instant FIR was registered against the three unknown persons, who were found in the office of Patwari and were having unauthorized access to the revenue documents.

Learned counsel for the petitioner submits that the petitioner was a daily wager, and was working as a Sweeper in the office of Patwari and before Diwali, he is undertaking the work of cleaning of

the entire record, therefore, no offence, as alleged, in the instant FIR was made out against the petitioner.

Learned counsel for the petitioner further submits that the petitioner was earlier arrested on dated 05.11.2023, however, he has been released by the learned Magistrate concerned as the investigation officer has not complied with the provisions of Section 41-A of the Cr.P.C.

Notice of motion.

On the asking of the Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of the State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

To be heard alongwith CRM-M-64538-2023 on 29.02.2024."

2. Learned counsel for the petitioner submits that in pursuance of the order dated 08.01.2024, the petitioner had joined the investigation.
3. Learned State counsel, on instructions from ASI Harjeet Singh, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.
4. In view of the statement made by learned State counsel, the interim order dated 08.01.2024, is hereby made absolute.

29.02.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No