

211/2

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1890 of 2024
Date of Decision: February 12, 2024

Gurjeet Singh @ Punnu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Harish Bhatti, Advocate
for the petitioner

Mr. Sandeep Kumar, DAG Punjab

Mr. Vijay Lath, Advocate
for the complainant

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.485 dated 07.12.2023 registered under Sections 379, 341, 427, 323, 506, 147, 149 IPC at Police Station Sohana, District Mohali.

2. On 15.01.2024, the following order was passed :-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.485 dated 07.12.2023 registered under Sections 379, 341, 427, 323, 506, 147, 149 IPC at Police Station Sohana, District Mohali.

Learned counsel for the petitioner, inter alia, contends that no specific role has been levelled against the petitioner and maximum sentence provided for the offences alleged to be

committed in the FIR registered against the petitioner is less than 3 years. It is further contended that no notice under Section 41A Cr.P.C. has been issued to the petitioner and as such, in view of the ratio of law culled out in the judgment of the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51, the petitioner is entitled for bail.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner.

At this stage, Mr. Vijay Lath, Advocate has put in appearance on behalf of the complainant and opposes the prayer made by the petitioner on the ground that stolen articles are yet to be recovered and the custodial interrogation of the petitioner is required.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 23.01.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 12.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the

Crl. Misc. No. M-1890 of 2024

-3-

trial Court shall proceed without being prejudiced by observations of this Court.

To be heard along with CRM-M No.570 of 2024. ”

3. Learned State counsel, on instructions from ASI Balbir Singh, states that pursuant to order dated 15.01.2024, the petitioner has joined the investigation and is no more required for custodial interrogation.

4. In view of the statement of learned State counsel, order dated 15.01.2024 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

February 12, 2024

reena

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No