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

CRM-M-2730-2024

Date of decision: 20.02.2024

Bunti

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Digvijay Singh Nehra, Advocate for
Mr. Sachmeet Singh Randhawa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0159 dated 10.12.2023 under Section 379/411/34 of IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1).

On 19.01.2024, the following order was passed:-

'The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 0159 dated 10.12.2023 registered under Sections 379, 411, 34 IPC at Police Station Division No. 2, District Pathankot

Learned counsel for the petitioner inter alia contends that the stolen Auto Loader was recovered from the possession of co-accused Sahil, who has been granted regular bail by the Judicial Magistrate 1 Class vide order dated 15.12.2023. The petitioner is not involved in any other case. The maximum sentence under the offences in which the FIR is lodged is punishable upto three years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner.

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.

*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 30.01.2024 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 investigation, in terms of the order of this Court.

Adjourned to 20.02.2024.

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

Learned State counsel on instructions from ASI Balwinder Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 19.01.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.02.2024

Neha	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No