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

CRM-M-2888-2024

Date of decision: 21.02.2024

Gaurav

....Petitioner

## Versus

## State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Rahul Kumar Adia, 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.347 dated 28.10.2023 (Annexure P-1) under Sections 379-B/34 of IPC registered at Police Station Tanda, Hoshiarpur Punjab.

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.347 dated 28.10.2023 registered under Sections 379-B/34 IPC at Police Station Tanda, Hoshiarpur Punjab.*

*Learned counsel for the petitioner inter alia contends that the petitioner is not name in the FIR. He has been involved in this case only on the basis of disclosure statement made by the co-accused while in police custody, which has no evidentiary value in the eyes of law. Recovery of stolen amount of Rs.5,000/- has already been made from the co-accused.*

*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 21.02.2024.*

*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 Amarjit Singh, 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**

**21.02.2024**  
*Neha*

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