

CRM-M-5521-2024
Date of decision: 01.03.2024

SUJAL GHAAGT ALIAS SUJAL ALIAS LALLA
V/S

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.313 dated 21.10.2023 registered under Sections 380, 454, 120-B of Indian Penal Code at Police Station Zirakpur, District SAS Nagar (Mohali).

2. On 02.02.2024, 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.313 dated 21.10.2023 registered under Sections 380, 454, 120-B IPC at Police Station Zirakpur, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that the petitioner is a 19 years old young boy with clean antecedents. He was not named in the FIR rather the complainant named him in the supplementary statement made on 20.10.2023. Initially, the suspicion was on the co-accused Tushar @ Nodi. It is further contended that on scrutiny of CCTV footage, the petitioner was not found to have entered into the house of the complainant.

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.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 09.02.2024 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 01.03.2024.

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."

3. Learned State counsel, on instructions from HC Ramandeep Singh, submits that in compliance of order dated 02.02.2024, passed by this Court, the petitioner has joined the investigation, however, the recovery of stolen articles is yet to be made from him.

4. Keeping in view the statement made by learned State Counsel the order dated 02.02.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. The petitioner is further directed to continue to join investigation as and when called for.

5. The petition is accordingly allowed.

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.

March 01, 2024
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |