

## CRM-M-7334-2024

Sagar

....Petitioner

State of Punjab

...Respondent

**Present:** Mr. Rahul Kumar Adia, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.347 dated 28.10.2023 under Sections 379-B/34 of IPC registered at Police Station Tanda, Hoshiarpur Punjab (Annexure P-1).

On 12.02.2024, the following order was passed:-

*‘The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.347 dated 28.10.2023 under Sections 379-B/34 of IPC registered at Police Station Tanda, Hoshiarpur Punjab (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and he has been involved in the present case only on the basis of disclosure statement suffered by co-accused while in police custody which has no evidentiary value in the eyes of law. He further submits that nothing is required to be recovered from the petitioner, he is not involved in any other case and similarly situated co-accused, namely, Ravi, has been granted the concession of anticipatory bail by this Court vide order dated*

08.01.2024 passed in CRM-M-496-2024 titled as 'Ravi Vs. State of Punjab'.

*Notice of motion.*

*On the asking of the Court, Mr. Sandeep Kumar, DAG, 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; 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 within two weeks from today 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 19.03.2024.*

*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.'*

Learned State counsel on instructions from ASI Gurmit 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

12.02.2024 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

19.03.2024  
Neha

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