

206 (2nd case)

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

**CRM-M-4919-2024 (O&M)
Date of decision : 15.04.2024**

Virender Singh @ Bagga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.728 dated 27.12.2023, under Section 379 of the Indian Penal Code, 1860, registered at Police Station City Tohana, District Fatehabad.

(2) Above FIR was registered on the basis of statement made by complainant-Sanjay Kumar with the allegations that on 26.12.2023, during night hours, some unknown persons committed theft of 70 bags of paddy, weighing 50 Kgs. each worth Rs.1,22,500/-.

During investigation, co-accused Resham Singh, Kala Singh and Ramesh Kumar were apprehended along with 18 bags of paddy, loaded in a

Pick-up vehicle bearing registration No.HR-39-E-1270. Co-accused suffered their respective disclosure statements regarding committing the offence along with present petitioner.

(3) Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 31.01.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Gurpreet Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by the Coordinate Bench on 31.01.2024 and the order reads as under:-

“The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.728, dated 27.12.2023, under Section 379 IPC, 1860, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR, as is evident from the perusal of the FIR. He further submits that the subsequent nomination of the accused is on the basis of disclosure statement of co-accused persons namely Kala Singh and Ramesh Kumar, wherein 70 bags of paddy seed from the rice mill were stated to have been stolen, but no direct attribution to the petitioner is there. She also refers to an order dated 15.01.2024 passed in

CRM-M-1618-2024, wherein co-accused namely Buta Singh has been granted the concession of interim bail.

Notice of motion.

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana accepts notice on behalf of respondent-State, who could not controvert the fact that co-accused Buta Singh, who is similarly situated and at par with the present petitioner having identical allegations has been granted the concession of interim bail by this Court.

In the light of above discussions made hereinabove, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 15.04.2024.

To be taken up alongwith CRM-M-1618-2024.”

(7) It is acknowledged by learned State Counsel on instructions from ASI Gurpreet Singh that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

(8) In view of the above, present petition is allowed; interim order dated 31.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

- (10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

15th April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes