

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215-2

CRM-M-5499-2024
Date of decision: 11.03.2024

GURJIT SINGH RAI

....PETITIONER

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Bhanu Pratap Singh,
Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.01 dated 03.01.2024, registered for offences punishable under Sections 448, 511, 380, 427, 323, 506, 149 of IPC (Sections 354 and 201 added later on), at Police Station Daba, Ludhiana.

2. On 02.02.2024, the following order was passed:-

“Apprehending his arrest in FIR No.01 dated 03.01.2024 registered for offences punishable under Sections 448, 511, 380, 427, 323, 506 and 149 IPC at Police Station Daba, District Ludhiana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the genesis of the FIR is actually a civil dispute between the parties; the petitioner was granted the concession of interim pre arrest bail by the learned Sessions Court, but the same was later on

declined on account of non-recovery of household articles & the petitioner is willing to join investigation and cooperate therein in accordance with law.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Mr. Bhanu Pratap Singh, Advocate has appeared and filed memorandum of appearance on behalf of respondent No.2. The same is taken on record. He has vehemently opposed the grant of interim pre arrest bail to the petitioner.

Adjourned to 05.03.2024.

The petitioner is directed to appear before the Investigating Officer on 07.02.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Jarnail Singh, as well as learned counsel for the complainant have stated that pursuant to the order dated 02.02.2024, the petitioner has joined investigation but the recovery of household articles in question is yet to be effected.

4. The only reason why the State is seeking custodial interrogation of the petitioner is for recovery of household articles in question. In considered opinion of this Court this cannot be a ground to decline the confirmation of the interim bail granted to the petitioner especially when State is not seeking custodial interrogation of the petitioner on any other account.

5. In view of above, the present petition is allowed and interim order dated 02.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)

JUDGE

March 11, 2024

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