

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

CRM-M-9008-2024 (O&M)
Date of decision : 16.04.2024

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurmeet Singh Saini, Advocate for the applicant/petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

CRM-10403-2024

Application for impleading the complainant-Harpreet Singh as
party respondent.

Disposed off as not pressed.

MAIN CASE

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.0039 dated 19.07.2023, under Sections 457 & 380 of the Indian Penal
Code, 1860 (Section 411, IPC added later on), registered at Police Station
Fatehgarh Panjtoor, District Moga.

(2) Above FIR was registered on the basis of statement made by complainant-Harpreet Singh with the allegations that unknown persons committed theft of different items, including three batteries, two inverters, two LCDs, one Cylinder, one DVR, one mobile phone etc. in his Institute, namely, HS Education Hub.

During investigation, on secret information, name of petitioner along with two other co-accused, namely, Iqbal Singh & Saraj Singh were nominated in this case, vide DDR No.19 dated 07.09.2023.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 01.03.2024 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 Harjeet 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 this Court on 01.03.2024 and the order reads as under:-

“Short reply filed by way of affidavit dated 23.02.2024 of Mr. Amarjit Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga, is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

Learned counsel for the petitioner seeks time to implead the complainant as party-respondent.

Posted for 16.04.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of

hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (7) It is acknowledged by learned State Counsel on instructions from ASI Harjeet 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 01.03.2024 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.

16th April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No