

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-9931-2024
Date of decision: 03.04.2024

AJAY KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e on 26.02.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek grant of anticipatory bail, in case FIR No.14 dated 01.02.2024, under Section 420 of the IPC, registered at P.S. Division No.8, District Police Commissionerate Ludhiana.

2. As a matter of fact, on a statement made by one Sonu Chopra (brother in law of the present petitioner) *qua* theft of his motorcycle, an FIR No.234 dated 14.12.2023, under Section 379 of the IPC, was registered at P.S. Division No.8, District Police Commissionerate Jalandhar. Thereafter, when the stolen motorcycle was traced, said Sonu Chopra moved an application for its release on superdari, which was allowed by the learned Magistrate concerned, however, with directions to furnish superdari bonds in the sum of Rs.1,60,000/- with one surety in the like amount. Accordingly, the petitioner, being relative of said Sonu Chopra, furnished surety bonds in the sum of Rs.1,60,000/-, in the shape of FDR. However, after release of the motorcycle on superdari, the petitioner got released his FDR (supra) from the Bank concerned, without any

intimation or orders from the Court concerned. Consequently, the present FIR has been registered on the directions of the learned Chief Judicial Magistrate, Ludhiana.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner is ready and willing to furnish a fresh FDR of the same amount, as the earlier FDR was inadvertently withdrawn by him, without having any knowledge about legal implications.

4. Notice of motion for 03.04.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. Moreover, the petitioner is also directed to furnish a fresh FDR of the same amount, as earlier furnished, before the learned Magistrate concerned, along with an affidavit, swearing therein that, he will not withdraw the said FDR, without prior permission of the Court concerned."

2. Learned counsel for the petitioner submits that in pursuance of the order dated 26.02.2024, the petitioner had joined the investigation.

3. Learned State counsel, on instructions from ASI Kashmir Singh, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

4. In view of the statement made by learned State counsel, the interim order dated 26.02.2024, is hereby made absolute.

03.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No