

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-13942-2024(O&M)
Date of decision: 25.04.2024

Rakesh
...Petitioner
Versus

State of Punjab
...Respondent(s)
CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.
Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU, J.
First petition under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioner in FIR No. 05 dated 23.02.2024, under Sections 457, 380 of Indian Penal Code, 1860 (for short 'IPC') (Section 411 IPC added subsequently), registered at Police Station, Nandgarh, District Bathinda.

(2) Allegations are that co-accused-Manwinder Singh and Pritpal Singh sold the wires and flinches (stolen property) to scrap vendor Rakesh-petitioner, who was found in conscious possession thereof knowing or having reason to believe the same to be stolen property.

(3) There is no representation on behalf of the petitioner.

(4) Learned State counsel, on instructions from the police officer present in Court submits that custodial interrogation of the petitioner is not required at this stage.

(5) Heard learned State counsel and perused the paper-book.

(6) It transpires that petitioner was granted interim bail by this Court on 18.03.2024 and order reads as under:-

“ Contends inter alia that petitioner has been nominated on the basis of disclosure made by co-accused-Manwinder Singh and there is no other criminal case pending against him.

Notice of motion.

On asking of the Court, Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 25.04.2024.

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 that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.
- (8) In view of above, interim order dated 18.03.2024 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 made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

25.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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