

2024:PHHC:055053

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

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CRM-M-14324-2024
Date of Decision : April 23, 2024

JAGDISH KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Veer Vikram Singh Mann, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 20.3.2024, the following
order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.28 dated 25.02.2024, under Sections 379, 34 and 411 of the IPC, registered at P.S. Anaj Mandi, District Patiala.

2. What emanates from the record available before this Court, is that, the present FIR was registered on an application moved by J.E.Kanwar Partap Singh, on the allegations that, the grills and iron rods affixed on the boundary wall of PDA, Omax City (Village Baran) were stolen by some unknown persons. The Residents' Association of Omax City suspected one Sukhpal Singh and his accomplice Gaggi to be the thieves.

3. Consequent upon registration of the present FIR, one of the accused Sukhpal Singh was arrested, who got

recovered 20 kgs. of iron rods and one machine used for cutting the iron rods. He also suffered a disclosure that the stolen articles were sold to the present petitioner; which led the investigating agency to invoke the provisions of Section 411 of the IPC.

4. The learned counsel for the petitioner submits that neither the petitioner has been named in the FIR, nor any role qua commission of the alleged offence(s) has been assigned to him, rather his name has surfaced in the disclosure statement(s) of co-accused. He further submits that since the petitioner is a scrap dealer, therefore, he does not know whether the material brought to be sold to him is stolen or genuinely owned by the seller. Nonetheless, he disputes the disclosure of the co-accused that the stolen articles were sold to the petitioner, as except his disclosure, the investigating agency is not seized of any cogent inculpatory evidence, which connects the petitioner with the alleged crime.

5. Notice of motion for 23.04.2024.

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

7. 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.”

2. Today, the learned State counsel on instructions imparted to him by ASI Malkit Singh, submits that the petitioner has already joined

the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 20.3.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 23, 2024
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(KULDEEP TIWARI)
JUDGE

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