



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

**CRM-M-25953-2024
DATE OF DECISION: 27.05.2024**

SUKHBIR SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Bawa, Advocate for the petitioner(s).
 Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.46 dated 25.02.2024 registered for offences punishable under Sections 395/384/120-B IPC and Sections 473/411 IPC added later on, at Police Station Sahnewal, District Ludhiana.

2. Learned counsel for the petitioner submits that as per the prosecution version the whole recovery has been effected from the other co-accused persons who actually alleged to have gone to the house of the complainant with some unknown persons having muffed faces armed with iron rods and dattar. It is all the other co-accused persons who caught hold the complainant and detained his son unlawfully. On the strength of the argument that the complainant's son has not been named in the witnesses nor his statement under Section 161 and 167



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Cr.P.C. has been recorded and no role has been attributed to the petitioner and the alleged stolen articles stands recovered.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Ram Murti opposes the prayer for grant of bail but could not produce any incriminating evidence connecting the petitioner with the alleged incident. He is not in a position to controvert the submissions made by counsel for the petitioner, however submits that ornaments and Rs. 90000/- cash has already been recovered from the co-accused persons and in fact 9 accused persons have been arrested.

5. However, upon a specific query by this Court, he could not reflect any incriminating material against the petitioner and as such no case is made out for custodial interrogation qua the present petitioner.

6. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperates for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing



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of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

9. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

27.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>