



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29738-2024
DECIDED ON: 08.07.2024

GAURAV GILL @ GORI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Renu Arora, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.10, dated 28.02.2023, under Sections 457, 380, 411 IPC, registered at Police Station Bholath, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has been arrayed as an accused in the instant FIR only on the basis of assumptions as the complainant did not witness the alleged offence of theft and as per the statement of the complainant in the FIR, he himself came to know about the occurrence from some random phone call on the next day without any incriminating material to connect him with the alleged offence.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and submits on instructions from ASI Balwant Singh that the petitioner has been attributed offence of committing theft of 45 mobile phones wherein only some of the mobile phones along with cash of Rs.12000/- has been recovered and, therefore, the

custodial interrogation of the petitioner is must for recovery of remaining mobile phones wherein the petitioner is at large.

Be that as it may, considering another fact as informed by learned counsel for the petitioner that other five co-accused have already been enlarged on bail by the Court of JMIC itself and nothing is to be recovered from the petitioner since the investigating officer has not pointed out in clear words as to what is stolen by the present petitioner.

The instant FIR pertains to 28.02.2023 wherein notice of motion was issued on 20.06.2024 by a Coordinate Bench of this Court.

This Court does not deem it appropriate to further call for any status report in the light of the assertions coming forth in the form of material and information supplied by learned State counsel.

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

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.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.07.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No