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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31158-2024
DATE OF DECISION: 04.07.2024

SURINDER SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Thakur, 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.60 dated 23.04.2024 registered under Sections 408 IPC,1860 at Police Station Bullowal, District Hoshiarpur.
2. Learned counsel for the petitioner submits that it is only on suspicion even as per version narrated in the FIR that the name of the petitioner has been nominated as an accused. He has further argued the perusal of the FIR shows that no specific role has been attributed to the petitioner and no categoric commissioning of the offence has been made out against him.
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 opposes the prayer on the ground that the petitioner has misappropriated



the articles as has been mentioned by the complainant at the time of lodging the instant FIR.

5. Be that as it may, learned State Counsel could not produce any incriminating material against the petitioner connecting him with the alleged incident. A plain reading of the narrated facts in the FIR itself categorically shows that only on the basis of suspicion petitioner's name has been mentioned in the FIR.

6. In view of the above, this Court is of the considered view that custodial interrogation of the petitioner is not required at this stage, while looking into the factual aspects involved in the instant FIR and in as much as whatsoever is required to be conducted by the investigating officer that can be proceeded further when the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time, this Court finds no reason to deny the petitioner the concession of bail

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 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.



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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 allowed.

(SANDEEP MOUDGIL)
JUDGE

04.07.2024
anuradha

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