



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

DATE OF DECISION: 08.07.2024

...PETITIONER

... RESPONDENT

Mr. B.S.Virk, Sr. DAG, Harvana.

SANDEEP MOUDGIL, J (ORAL)

2. Learned counsel for the petitioner submits that the name of the petitioner has been nominated on the disclosure statement made by one Dilbhagh Singh. The petitioner has no concern with the allegations levelled in the FIR. In addition to that he asserts that there is delay of seven days in registration of the FIR. Apart from that the tractor in question was handed over to Amit by Joginder Singh who are close relatives among themselves and in addition thereto reference has also been made to the reply filed to the anticipatory bail application moved before the Court below, by SHO, Police Station Sadar, Tohana



CRM-M-31931-2024

-2-

wherein categoric stand has been taken that there is no evidence whatsoever against Kuldeep Singh-the petitioner.

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 in attempt to clarify the case of the prosecution by stating that as to why custodial interrogation of the petitioner is required on the strength that it was one Dilbag Singh who was arrested. The disclosure statement revealed the name of the petitioner to whom he has handed over the tractor but the tractor is yet to be recovered which is missing since the year 2018.

5. Be that as it may, having thoughtful consideration to the fact that the tractor is missing for last six years and the prosecution itself in reply before the Trial Court gave a clean chit to the role of the petitioner stating that there is no incriminating material qua the petitioner in the commissioning of the offence and his name appeared on a very later stage in the disclosure statement made by one co-accused Dilbag Singh without there being any concrete evidence to establish the possession of the tractor was ever handed over to him.

6. After having heard learned counsel for the parties, 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 cooperate 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 ten days 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.

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

08.07.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No