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

207

CRM-M-32416-2024 (O&M)
Date of decision: 09.08.2024

Mohinder Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bharat Puri, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 23, dated 29.04.2024, under Sections 379, 411 of IPC and Section 22 of the NDPS Act, 1985 (added later on) at Police Station City Raikot, District Police Commissionerate Ludhiana.
2. Vide order dated 11.07.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 11.07.2024, passed by this Court, reads as under:

“...This FIR has been registered on the basis of statement of ASI Harpreet Singh recorded on 29.04.2024 alleging therein that on the basis of a secret information received by him on the same day to the effect that the co-accused of present petitioner namely Rajwinder Singh and Davinder Singh used to steal AC outdoor compressors installed outside banks, houses and shops etc. and by taking out their valuables, they used to sell them. It was

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also informed that they would be apprehended with stolen AC outdoor compressors is raided immediately on that date. The raiding party was formed which arrived at the informed place and apprehended the co-accused Rajwinder Singh and Davinder Singh. The recovery of some stolen compressors had been effected from them. The co-accused suffered disclosure statements during investigation wherein they took the name of the petitioner as the person whom they used to sell the stolen compressors.

It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of co-accused which are not admissible in evidence. No recovery is to be effected from him. He is ready to join investigation and his custodial interrogation is not required.

Notice of motion for 09.08.2024.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State and seeks some time to file a detail reply in the matter.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

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3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 19.07.2024 and he is not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 11.07.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

09.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No