



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34528-2024
Date of Decision : 14.10.2024

GURSEWAK SINGHPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.S.Sidhu, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 25.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.16 dated 18.02.2024, under Sections 454, 380 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Talwandi Sabo, District Bathinda.
2. Succinctly stated, house trespass and theft of 06 tolas gold, 10 tolas silver ornaments and Rs.7,000/- cash from complainant's house, has constituted the bedrock for registration of the present FIR. Initially, the present FIR was registered against Randeep Singh and Gura Singh. During investigation, accused Randeep Singh suffered disclosure statement, which resulted in the petitioner and his co-accused Darshan @ Darshi, to whom the stolen articles were allegedly sold, becoming nominated as accused in the present FIR.
3. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Randeep Singh, which is inadmissible in law.
4. The learned counsel for the petitioner further submits that the present FIR suffers from the vice of delay, inasmuch as, the alleged occurrence took place on 11.02.2024, whereas, the present FIR was registered on 18.02.2024, i.e. after delay of 7 days.
5. Lastly, the learned counsel for the petitioner submits that, since petitioner's co-accused Darshan Kumar @ Darshi, who is on a coequal pedestal as the petitioner, has already been granted interim bail by this

Court, as is evident from order dated 13.06.2024 (Annexure P-2), therefore, the petitioner also deserves an alike relief.

6. Notice of motion for 01.08.2024.

7. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

8. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

9. To be heard with CRM-M-29819-2024.”

2. Upon the petitioner joining the investigation, but not co-operating with the investigating agency, which led this Court to pass the order dated 01.08.2024, directing him to re-join the investigation and to fully co-operate.

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 25.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
7. All pending application(s) stand **disposed** of accordingly.

October 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No