



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-34875-2024  
Date of decision: 07.08.2024

HARDEV KUMAR AND ANOTHER  
....PETITIONERS

Versus

STATE OF PUNJAB  
...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Satnam Singh, Advocate for the petitioners.  
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections             | Police Station              |
|---------|------------|----------------------|-----------------------------|
| 50      | 11.05.2023 | 380, 427, 454 of IPC | Goraya, District Jalandhar. |

2. Learned counsel for the petitioners submits that in compliance to the order dated 23.07.2024 passed by this Court, the petitioners have already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 23.07.2024.
3. Learned State counsel, on instructions from SI Gurdeep Singh, P.S. Goraya, District Jalandhar, intimates the Court that the petitioners have joined investigation and are neither required for further investigation nor for any custodial investigation.



4. During the course of hearing on 23.07.2024, following order was passed:

“ 2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case by the complainant on account of rivalry in the village and also on account of the fact that a civil litigation was going on between the parties. He contends that after the passing of the decree of the Civil Court in the civil Suit titled Ratna Singh Versus Harjinder Kumar, the possession of the suit property earlier with petitioner No.1 had been restored upon redemption of the mortgage. The petitioner No.1 was in possession of the property as mortgagee. He submits that since in the meanwhile the execution of the decree had been carried out, the appeal preferred by the petitioner was dismissed for want of prosecution. He contends that the property was already handed over to the complainant on 24.04.2019 along with the articles which were given on superdari and there was no occasion for the petitioners to have stolen the alleged articles after one year thereof. The petitioners have no other criminal antecedents and they are ready to join the investigation.*

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

5. *Adjourned to 05.08.2024.*

6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

7. *In the meanwhile, the petitioners are hereby directed to join investigation within seven days from today and in the event of their arrest, they are ordered to be*



*released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 23.07.2024 passed by this Court, interim bail granted vide order dated 23.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**07.08.2024**  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |