



CRM-M-35678-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-35678-2024
Date of Decision : 23.09.2024

Bau Soni ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anirudh Gupta, Advocate for
Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. On 29.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.47 dated 19.06.2024, under Sections 380, 454 and 411 of the IPC (Section 411 of the IPC added subsequently), registered at P.S. Division C, District Amritsar.

2. The genesis of the present FIR is embodied in a complaint made by one Kirpal Singh (hereinafter referred to as the ‘complainant’). Succinctly stated, the theft of an electric motor pump set from the premises of complainant’s factory has constituted the bedrock for registration of the present FIR.



3. *During investigation, one Raju Mandal @ Buttar was arrested and upon interrogation, he disclosed that he sold the electric motor to the petitioner (a junk dealer).*

4. *The learned counsel for the petitioner submits that the petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused. Nonetheless, the only allegation against the petitioner is that he had purchased the electric motor pump set. In fact, the petitioner had purchased the said electric motor pump set without knowing that the same is a stolen property.*

5. *Notice of motion for 02.09.2024.*

6. *Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondent and submits that the petitioner is involved in three more cases.*

7. *Be that as it may, considering the nature of allegations levelled against the petitioner, besides the quality of evidence collected by the investigating agency against the petitioner, this Court deems it appropriate to grant him the asked for relief.*

8. *Therefore, 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.*

2. Today, the learned State counsel, on instructions imparted to him by ASI Harjit Singh, stated that pursuant to the making of the hereinabove extracted order, as well as the order dated 02.09.2024, the petitioner had joined the investigation and has fully cooperated. He further submits that petitioner is no longer required for further custodial interrogation.



3. In view of the above, the hereinabove extracted interim order dated 29.07.2024, 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.”

4. 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.

5. Needless to say, that anything observed hereinabove, shall not be construed to be an expression of opinion, on the merits of the case.

(KULDEEP TIWARI)
JUDGE

September 23, 2024
Manpreet

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