

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

213

2024:PHHC:017722

CRM-M-48291-2023

Date of decision: February 8th, 2024

Jatinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.41 dated 25.05.2023 under Sections 454, 379-B (2), 506, 34 of the Indian Penal Code, 1860, registered at Police Station PAU, District Ludhiana.

2. Vide order dated 06.11.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the case in hand on the allegations that he along with the co-accused assaulted and robbed the wife and mother of the complainant of their gold bangles and cash. Learned counsel has submitted that his false implication is further evident from the fact that neither was he named in the initial FIR nor any evidence of his involvement was found by the investigating agency. However, strangely the investigating agency connected him with the crime in question on the basis of his

mobile phone call records which suggested his presence at the place of occurrence, even though, the CCTV installed in the vicinity of place of occurrence did not reflect his presence there at the relevant time.”

3. Learned counsel for the petitioner submits that in compliance of order dated 06.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation except for the recovery of a few stolen items i.e. gold bangles and cash.
5. I have heard learned counsel for the parties and perused the relevant material on record.
6. Once the petitioner has joined investigation and cooperated with the investigating agency, mere non-recovery of a few stolen articles cannot be a ground to order his custodial interrogation and deny him the concession of anticipatory bail.
7. In view of the above, the petition is allowed and interim order dated 06.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

February 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No