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

**CRM-M-54044-2023 (O&M)
Date of decision : 06.03.2024**

Tejwinder Singh @ Tejinder Singh @ Teji ...Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Sidhu, Advocate and
Mr. Nikhil Jindal, Advocate,
for Mr. Mohit Kumar, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab,
assisted by ASI Paramjit Singh.

Mr. Ankit Joshi, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.150 dated 04.09.2023, under Section 379 and 411 (added subsequently) of the Indian Penal Code, 1860, registered at Police Station Pasyana, District Patiala.

2. Allegations are that petitioner, employed as a driver with the complainant, stole the *Tralla* loaded with 12 rim; 12 tyres; PTO attached with gear; PTO switch; hydrogen tank and oil pipes attached to it.

3. Contends that the Coordinate Bench, granted interim bail to petitioner on 20.11.2023 and in terms thereof, he has already joined

the investigation and his custodial interrogation is not required.

4. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage. However, learned State counsel has apprised the Court that Section 201 IPC has also been added subsequently.

5. Heard learned counsel for the parties and perused the paper-book.

6. On oral request of learned counsel for the petitioner, Section 201 IPC is added in the headnote as well as prayer clause of the petitioner.

Registry to do the needful.

7. It is an admitted position that petitioner was granted interim bail by the Coordinate Bench on 20.11.2023 and relevant part of the same is recapitulated as under:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
<i>150</i>	<i>04.09.2023</i>	<i>Pasyana, Patiala, District Patiala</i>	<i>379 (later on Section 411, IPC was added)</i>

Counsel for the petitioner submits that the petitioner and the complainant are partners and they had jointly purchased 18 wheeler Tata truck bearing No.PB-19H-9713. He submits that there was a dispute between them and petitioner has been implicated on the basis of false allegations.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the State-respondent. He has filed status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Samana, District Patiala, which is taken on record. By referring to para 5 of the status report, he submits that the stolen truck has been recovered and its rear body as well as some parts are

missing, which have to be recovered from the petitioner. He has instructions that the petitioner has clean antecedents.

Mr. Ankit Joshi, Advocate has put in appearance on behalf of the complainant.

List on 05.02.2024.

Petitioner is directed to join the investigation on 12.12.2023 at 10:00 A.M. at Police Station Pasyana, Patiala, District Patiala and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C..”

8. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined the investigation and his custodial interrogation is not required at this stage.

9. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of the fact that State of Punjab is not seeking custodial interrogation and Section 201 IPC has been added; therefore, objection raised by learned counsel for the complainant is rejected.

10. In view of above, interim order dated 20.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

14. Pending application(s), if any, shall also stand disposed off.

06.03.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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