2024:PHHC:136118

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51306-2024
DECIDED ON: 18.10.2024

RAMANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Satpreet Grewal Kapila, Advocate for
Mr. Rajiv K. Kapila, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. ***Relief Sought***

The jurisdiction of this Court under Section 438 of Cr.P.C., has been invoked for grant of anticipatory bail to the petitioner in case FIR No. 48 dated 03.05.2024, under Section 379 of IPC, 1860 registered at Police Station Mehtiana, District Hoshiarpur.

2. **Facts:-**

"Statement of Navjot Singh s/o Sukhwinder Singh r/o Ajdam PS Mehtiana Distt. Hoshiarpur aged around 39 years mob. no. 8146743630. Stated that I am resident of above mentioned address and am an agriculturist. My land is in village Ajdam which is around 4 acres. That for raising the crops I have installed a tubewell in my land and for extracting water I have installed an Engine and have installed an irrigation fan over it. This fan is 2-1/2=3 inches. On dated 27-4-2024 when I went to my fields in the morning then I saw that the above

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mentioned irrigation fan installed with the engine has been stolen by some unknown persons during the intervening night of 26/27-4-2024. That I have been continuously trying to search for the unknown persons who have committed theft at my own level but n clue could be found. I have also come to know that besides committing the above theft these unknown persons have also committed theft at my co-villagers place namely Bachitter Singh s/o Hari Singh, Jasvir Singh s/o Surjit Singh and Bachitter Singh s/o Ujagar Singh r/o Ajdam PS Mehtiana and committed theft of Irrigation fans. Today myself alongwith my co-villager Bachitter Singh s/o Hari Singh was going to give information to you regarding the above mentioned theft incidents, you have met, statement has been got recorded to you heard and found correct. Legal action be taken against the above said persons who have committed theft and I be given justice by recovering my stolen irrigation fan. Sd/- Navjot Singh attested Sd/- Bachittar Singh attested ASI Karnail Singh ASI Ps Mehtiana, Hoshiarpur dated 3-5-2024."

3. ***Contentions***

On behalf of the petitioner:

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and nominated on the basis of statement of complainant, which has been recorded after one month of alleged occurrence added with the fact that there has been unexplained delay of 7 days in lodging the FIR. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

On behalf of respondent-State

4. Notice of motion.

On the asking of Court, Mr. Jaspal singh Guru, AAG Punjab accepts notice on behalf of respondent-State and prays for dismissal of the present petition on the ground that though the petitioner has been specifically named by the complainant, but could not explain the delay in lodging the FIR.

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5. ***Analysis***

Be that as it may, considering the aforesaid facts and the submissions made on behalf of the petitioner as well as learned State counsel that there is delay of 7 days is lodging the FIR, whereas petitioner is ready and willing to join the investigation, no fruitful purpose would be served by sending him behind bars.

6. ***Decision***

In view of the above, this Court does find any reason to decline the present petition, hence, the petitioner is directed to join the investigation within a period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C., of which are reproduced below :-

> *"When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
> *(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
> *(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
> *(iii) a condition that the person shall not leave India without the previous permission of the Court;*
> *(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

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However, it is made clear that in case the petitioner do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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