

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-57448-2023(O&M)
Date of decision: 28.02.2024

Amit Kumar
...Petitioner
Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manu Loona, Advocate for the petitioner.
Ms. Avneet, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.215 dated 26.10.2023, under Sections 380, 454, 411 of Indian Penal Code, 1860 (Section 411 of Indian Penal Code added later on), registered at Police Station, Sadar Fazilka, District Fazilka.

(2) Allegations are that petitioner along with other co-accused committed theft of 10 bundles of barbed wire (blade) from the store of complainant-Surinder Walia.

(3) This Court while issuing notice of motion on 15.11.2023, granted interim bail to the petitioner and which reads as under:-

“Contends that recovery of alleged stolen article has already been effected from the co-accused-Hargobind Sharma and he was granted concession of bail pending trial by learned Additional Chief Judicial Magistrate, Fazilka, vide order dated 06.11.2023 (P-2). Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

Mr.C.L. Pawar, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 18.01.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as

envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from ASI-Gurmeet submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 15.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) 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.
- (9) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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