

2024 PHHC:072538



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

CRM-M-58132-2023

Date of Decision : 22.05.2024

SAKIB ALAM

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 20.11.2023, the following order was passed by this

Court:-

“Through this petition, filed under Section 438 Cr.P.C., relief of anticipatory bail has been sought in case FIR No.0277 dated 26.09.2023, under Sections 379 and 411 of IPC (Section 23 of the Petroleum Act, 1934 added later on) registered at Police Station Civil Lines Bathinda, District Bathinda.

The allegations against the petitioner are that the petitioner along with other accused indulged in stealing the petrol and diesel from the tankers. During investigation, total 35 drums (6 drums of diesel containing 1200 litres diesel and 29 drums of petrol containing 5800 litres of petrol) were recovered from the co-accused of the petitioner. It transpired from the record that, name of the petitioner has been figured out from the disclosure statement of co-accused, who has already been arrested.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR, neither he was arrested on the spot, with any stolen articles. Learned counsel for the petitioner further submits that the disclosure statement of co-accused, carries no value in the eyes of law and except that there is no other evidence to link the petitioner with the alleged crime. Learned counsel for the petitioner further submits that, though,

the petitioner is involved in one more case of similar nature, however, in that case, the petitioner has been granted the relief of anticipatory bail.

Notice of motion for 19.02.2024.

Mr. Karunesh Kaushal, AAG, Punjab, waives service of notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Nirmal Singh, submits that the petitioner is the main accused, from whom the other co-accused have purchased the stolen petrol and diesel.

In the meantime, 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 bond 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. The petitioner was again directed to join investigation vide order dated 20.03.2024, on the request of learned State counsel.

3. Learned State counsel, on instructions imparted to him by ASI Gursahib Singh, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully co-operated with the investigation process, and are no more required for any further custodial investigation.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 20.11.2023 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

May 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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