

CRM-M-60717-2023
Date of decision: 19.01.2024

Baldev SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.70 dated 13.06.2022 (Annexure P-1) under Sections 380/457 of IPC (offence under Sections 201/411 of IPC added later on) registered at Police Station Chohla Sahib, District Tarn Taran.

On 04.12.2023, the following order was passed:-

‘The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.70 dated 13.06.2022 registered under Sections 380, 457 IPC (Sections 201, 411 IPC added later on) at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner, inter alia, contends that the present FIR was lodged after a delay of 3 years. As per the allegation in the FIR, the complainant had left his house on 23.06.2020 and returned on 15/16.03.2022. On his return, he found some of his household articles stolen and the complainant suspected that someone had committed theft in his house in his absence. Thereafter, he came to know that petitioner along with

one Baldev Singh had committed the said theft.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondentState and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 15.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 19.01.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

Learned State counsel on instructions from ASI Gurmukh Singh, at the very outset informs the Court that the petitioner has joined the investigation on 15.12.2023 and his custodial interrogation is not required.

CRM-M-60717-2023

-3-

In view of the statement of learned State counsel, order dated 04.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.01.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No