

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

298

CRM-M-64547-2023

Date of Decision:20.03.2024

UPKAR SINGH ALIAS GAGGU

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohit Kumar, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

On 21.12.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.129 dated 28.11.2023 registered under Sections 457, 380 of the IPC registered at Police Station Longowal, District Sangrur.

FIR was lodged on the complaint of Vikas Garg, as per which he is running a sheller under the name and style of Shri Naini Devi Rice Mill, in which the paddy bags are stored as purchased from the Government. It was alleged that during the intervening night of 24/25.11.2023 when complainant went to his sheller, he found 18 bags of the paddy weighing 37.5 kilogram each to be missing. He made enquiry at his own level and came to know that petitioner along with others had committed the theft.

It is contended by learned counsel that petitioner has been falsely implicated; that no source has been disclosed by the complainant by which he came to know about the role of the petitioner. It is further pointed out that it is not even mentioned as to

when the complainant came to know about the role of the petitioner in committing theft and on what basis.

Notice of motion.

Mr. Sarabjit Singh Cheema, DAG, Punjab accepts notice on behalf of respondent- State.

Adjourned to 18.03.2024.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 21.12.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

20.03.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No