

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-3340 of 2013(O&M)

Date of Decision:28.02.2013

Mohinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: SI Mohan Singh, the investigating officer.

MEHINDER SINGH SULLAR, J.(oral)

Petitioner-Mohinder Singh son of Jita Singh, has directed the instant petition for the grant of anticipatory bail in a case registered against him along with his other co-accused, by means of FIR No.116 dated 31.12.2012, on accusation of having committed an offence punishable under Section 379 IPC, by the police of Police Station Bathinda Cantt., invoking the provisions of Section 438 Cr.P.C.

2. Notice of the petition was issued to the State.
3. After perusing the record with the help of the investigating officer, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.
4. During the course of preliminary hearing, the following order was passed by this Court on January 31, 2013:-

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated by the complainant on the basis of suspicion. Moreover, the only allegations alleged against the

petitioner and his other co-accused are that they have committed the theft of some cut trees from the land of the bank. The argument is that Rajinder Singh (co-accused of the petitioner) has already been arrested in this case.

Heard.

Notice of motion be issued to the respondent, returnable for 13.02.2013.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, the investigating officer has acknowledged the factual matrix and stated that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. As per investigating officer, there is no history of his previous involvement in any other criminal case. The offence alleged against the accused is triable by the Court of Magistrate. Even, since the prosecution has not submitted the final police report (challan), so, the conclusion of trial would naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of other facts and circumstances, emanating from the record, as discussed here-in-above, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner by this Court, by virtue of order dated January 31, 2013, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, in case, the petitioner does not

cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this respect.

February 28, 2013
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(**MEHINDER SINGH SULLAR**)
JUDGE