

**In the Court of Dr Ram Kumar Singla,
Additional District and Sessions Judge-II, Kapurthala**

CNR No. PBKP010036582020



Case No. BA/1810/2020

Presented on : 10-09-2020

Registered on : 11-09-2020

Decided on : 05-10-2020

(Sukhwinder Vs. State of Punjab)

Present: Sh.Vipan Sabharwal, Advocate for the applicant/ accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State
assisted by SI Amarjit Singh, No.1919/BTL., Police Station City
Kapurthala, District Kapurthala.

O R D E R

The present bail application has been entertained being an urgent hearing while performing duty in the period of closure of courts because of pandemic Covid-19.

Record perused. **Arguments have been heard.** Leading to the FIR No.269 of 04.09.2020, under sections 379, 411 of Indian Penal Code, was registered at Police Station City Kapurthala, District Kapurthala, against applicant/ accused Sukhwinder, he was admitted on interim bail vide order dated 15.09.2020, subject to joining of the investigation proceedings and to cooperate the investigation agency and to make the compliance of Section 438(2) of Cr.P.C. The version of the prosecution is that though he had joined the investigation on 22.09.2020 in the present case in compliance of order dated 15.09.2020, however, recovery is yet to be effected from the applicant/accused. Separate statement of SI Amarjit Singh, in this regard has also been recorded.

Now, in view of the aforesaid factual position, one thing is clear

that order dated 15.09.2020 of their interim bail, has been very much complied by the applicant, which shows the cooperation of the applicant with the investigation agency. However, regarding alleged recovery to be recovered from the applicant/ accused, it could not be considered a hurdle to confirm the interim anticipatory bail to the applicant by relying upon ***Bhupinder Singh etc. Vs. State of Punjab, reported in 2014(2) RCR (Criminal) 109 (P&H)***, wherein it is held that an anticipatory bail could not be rejected on the ground for pending recovery to be effected from the applicant. As such, order dated 15.09.2020, passed in this bail application by this Court vide which, applicant/ accused was allowed interim anticipatory bail, is hereby made absolute and stands confirmed. This bail application stands allowed and disposed of, accordingly. The applicant/accused shall comply with Section 438(2) of Cr.P.C. Anything said in this order shall not affect the merits of the main trial in any manner. Bail application file be consigned to the judicial Record-room forthwith.

Pronounced in open Court.

Dated: 05.10.2020.

Kaushal Kumar

(Directly dictated on computer)

(Dr Ram Kumar Singla),
Additional Sessions Judge,
Kapurthala(Duty).
(UID No. PB-0122)