

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-2106 of 2015

Date of Decision: 19.03.2015

Pawan Kumar

....Petitioner

v.

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Arvind Thakur, Advocate for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J.

This petition has been moved by Pawan Kumar under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No.94 dated 10.12.2014 registered under Sections 457/294/427/506/160/148/149 IPC at Police Station Bhadson, Patiala.

It is submitted that co-accused Chetan Sharma has been granted bail by this Court. Role attributed to the present petitioner is the same. Five persons allegedly trespassed in the house of the complainant with dandas but on a hue and cry raised by the complainant and his family members, they fled from the spot without inflicting any injury to anybody.

Counsel for the petitioner submits that the FIR was lodged after 20 days of the alleged occurrence and it is not believable that five persons armed with dandas entered the house of the complainant but left the place without committing any other offence and without inflicting any injury to any of the persons though they had intended to kill the complainant and his family members.

Learned State Counsel could not point out any difference between the allegations against Chetan Sharma, who has already been granted anticipatory bail and the present petitioner.

In view of the above, it is felt that it would not be in the interest of justice to decline the relief claimed by the petitioner. The petition is allowed. The petitioner shall be released on bail to the satisfaction of the Arresting/ Investigating Officer. He shall appear before the Investigating Officer as and when called upon for investigation. He shall also be bound by the following conditions as contained in Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
and
- (iii) that the petitioner shall not leave India without the previous permission of the Court.

**(NAVITA SINGH)
JUDGE**

March 19, 2015
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