

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No.M- 23964 of 2015 (O&M)
Date of Decision: July 31, 2015**

Rajesh Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikram Sheoran, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.29 dated 02.06.2015, registered under Section 382, 365 IPC, Police Station Tibbar, District Gurdaspur.

Heard.

The counsel for the petitioner contends that the petitioner had been falsely implicated and a story has been concocted and the petitioner is a patient of HIV and anticipatory bail be allowed. Counsel has referred to medical record of the petitioner.

On the other hand, the State counsel submits that a truck loaded with 25 cattles had been waylaid by 5 – 6 unidentified persons and they had kidnapped the driver in a Scorpio Car. It has been urged that the petitioner has been named by the co-accused. He also states that the cattle was subsequently recovered.

The allegations are indeed grave. The name of the petitioner was disclosed by Ganni, a co-accused. Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts of a given case. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

July 31, 2015
sunil