

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

CRM-M-34940-2015 (O&M)

Date of decision: 18.12.2015

Abhay Sood

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.101 dated 05.06.2015 under Sections 342, 364-A, 382, 500, 120-B IPC (Section 392 IPC was added later on), registered at Police Station Mataur, District SAS Nagar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner places reliance on an order dated 13.10.2015 passed by this Court in CRM-M-28478-2015 (Supinder Singh @ Laddi Vs. State of Punjab), whereby main accused was granted the concession of anticipatory bail by this Court. He also places reliance on an order dated 10.09.2015 (Rajpal Kaur Vs. State of Punjab), whereby another co-accused of the petitioner was granted the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Harbhajan Singh, Police Station Mataur, SAS Nagar, submits that

although petitioner has joined the investigation but he did not get the recovery effected because of which he is not entitled for the concession of anticipatory bail. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case noted above, petitioner has also been found entitled for the concession of anticipatory bail at the hands of this Court. It is so said because one co-accused has been granted the concession of anticipatory bail and another co-accused of the petitioner has been granted the concession of bail pending trial, which is a matter of record.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed and the order dated 12.10.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

18.12.2015
vishnu