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

**C.R.M-M No.38841 of 2015
Date of Decision : 26.11.2015**

Vijay Kumar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jagjit Gill, Advocate
for the petitioners.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. S.K. Verma, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case F.I.R. No.758 dated 06.10.2015 registered under Sections 457, 380, 411 IPC, at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioners has argued that in this FIR the allegations of theft of gold were levelled after about two months and actually the main accused had later on also attempted to commit suicide

because of this case.

Learned counsel for the complainant and the learned Assistant Advocate General are not in a position to deny these factual assertions but state that in the first disclosure statement the co-accused had made a statement that he had sold the gold to the petitioners.

In these circumstances, keeping in view these divergent facts, without going into the merits of the case, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 05.12.2015 and on any other date as and when their presence is required. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 26, 2015

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**(AJAY TEWARI)
JUDGE**