

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-39324 of 2015

Satender @ Chhinder

..... Petitioner

versus

State of Haryana

... Respondent

Crl. Misc. No. M-39796 of 2015

Gulab

..... Petitioner

versus

State of Haryana

... Respondent

Date of decision : 01.12.2015

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kanwar Satbir Singh, Advocate
for the petitioner

Mr. Deepak K. Grewal, DAG Haryana

1. Whether Reporters of the 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 ?

ANITA CHAUDHRY, J. (ORAL)

Two petitions seeking anticipatory bail in FIR No. 132 dated 06.10.2015 registered at Police Station Garhi under Sections 171, 420, 120-B IPC and 28 of the Arms Act have been filed.

Notice was issued to the State and they have put in appearance.

Learned counsel for the petitioners urges that the police wants to arrest the petitioners as the driver who was arrested had named the petitioners. It was urged that there were no allegations that the persons who had run away were wearing police uniforms and

at the most, it could be a case of preparation and no one has come forward to state that they have been cheated and the offence under Section 420 IPC would not be made out and Section 171 IPC is bailable. Learned counsel further refers to order passed in Crl. Misc. No. M-34014 of 2015 decided on 16.11.2015 by a Coordinate Bench and urges that in a similar situation, the petitioners there was granted pre-arrest bail which had been made absolute.

Learned State counsel opposes the prayer and urges that a car was proceeding but finding a Naka after the bridge, they stopped their car on the bridge and three persons fled away and the driver was apprehended who was in police uniform and on inspection different number plate on front and back side of vehicle were found and on interrogation he disclosed his name as Bhim Singh and he also disclosed names of persons traveling with him. It was urged that two police uniforms, toy pistol and 70 bundles of currency notes were recovered and their custodial interrogation is necessary. It was urged that machine is to be recovered and they have to question the petitioners about the modus operandi and the investigation is at the preliminary stages.

Learned counsel for the petitioners urges that there is no other case registered against the petitioners and concession of anticipatory bail may be allowed.

Learned counsel for the petitioners had referred to the order dated 16.11.2015. Copy of the FIR has not been produced. The facts are not clear from the order. The order relates to recovery of some amount. The counsel has not been able to point out that

FIR in both the cases were identical. The case is at the initial stage of investigation. In this case fake currency, police uniforms, caps and badges were found in the vehicle. The petitioners had been named by the person who was caught.

There are serious allegations against the petitioner. The relief of anticipatory bail is a discretionary relief. Considering the nature of allegations and gravity of offence and severity of the punishment which the conviction will entail, there exists no special reasons in favour of the petitioners warranting their release on anticipatory bail.

Both the petitions are dismissed.

December 01, 2015

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**(ANITA CHAUDHRY)
JUDGE**