

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

**CRM-M-41269 of 2014
Date of Decision: 28.04.2015**

KRISHAN KUMAR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anand Chhibar, Sr. Advocate with
Mr. Ranjit Chawla, Advocate
for the petitioner.

Mr. K. D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.169 of 2014 dated 10.10.2014 registered under Sections 420/120-B IPC at Police Station Civil Lines, District Bathinda.

Vide order dated 03.12.2014, notice of motion was issued and interim protection was granted to the petitioner.

Learned Senior counsel for the petitioner submits that in compliance of order passed by this Court, petitioner has joined the investigation and cooperated with Investigating Agency. He refers to Para 4 of the FIR at Page-18 of the paper book to contend that no allegation of receiving any amount has been alleged against the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from ASI Raghvir Singh, Police Station Civil Lines, Distirct Bathinda refers to Para 2 of the status report filed by way of an affidavit dated 30.01.2015 to contend that the complainant has stated in his statement before the police

that the amount of Rs.4 lacs was given by him to Mrigesh Kumar Shastri and the present petitioner in the presence of two eye-witnesses namely Saiber Singh and Gagandeep Singh. He further submits that since there is direct evidence, petitioner is not entitled for anticipatory bail. He prays for dismissal of the petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that in the given facts and circumstances of the present case, petitioner deserves the concession of pre-arrest bail. It is so said because a bare reading of the FIR would show that there is no allegation against the petitioner. Complainant did not pay even a single penny to the petitioner. However, during investigation, complainant was changing his stand so as to implicate the petitioner also.

Be that as it may, without commenting any further in this regard, lest it should prejudice the rights of either of the parties, present petition is allowed. Order dated 03.12.2014 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

April 28, 2015
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