

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

Crl. Misc. No.M-5588 of 2015

Date of Decision: 23.02.2015

Bakshish Singh @ Kehnda

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gursimran Singh, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for grant or pre-arrest bail to the petitioner in case FIR No.03 dated 04.01.2015 under Sections 409/120-B IPC and Section 61 of the Excise Act registered at Police Station Sultanwind, District Amritsar City.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he is not involved in any manner. He further submits that neither any connecting evidence is there against the petitioner nor recovery was effected from him. Learned counsel also submits that the petitioner cannot be connected with the offence as neither any document of selling or purchasing of the case property has been recovered nor any date and time as to when it was sold has been mentioned in the FIR.

Heard the arguments of learned counsel for the petitioner and have also perused the allegations in the FIR.

Admittedly, as per allegations in the FIR, ASI Harjinder Singh

has misappropriated the case property. In stead of depositing the same in the *Malkhana*, it has been sold to the present petitioner. At the time of granting anticipatory bail, only the allegations are to be seen. In case of offence under Section 120-B IPC, the connivance of the accused is required and not a relation. It is a matter of investigation and at this stage, nothing can be said.

Keeping in view the allegations in the FIR, no ground is made out to grant anticipatory bail to the petitioner.

The petition is, accordingly, dismissed.

23.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE