

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

**CRM-M No.18025 of 2016 (O&M)
Date of Decision : 11.08.2016**

Rakesh Kumar @ Rock

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

On 31.05.2016 the following order was passed:-

“Prayer is for grant of anticipatory bail to accused petitioner Rakesh Kumar @ Rock in case FIR No.115 dated 23.9.2013 under Sections 326,452,427,148,149 IPC,PS C-Division,Distt.Amritsar City.

Ten accused including the petitioner accused are alleged to have entered the house of complainant Arun Kumar on 25.8.2013 at around 11.30 pm and Googa and Baba are alleged to have kept a kirpan blow on the forehead of sleeping complainant to wake him up and thereafter co-accused Bobby is alleged to have inflicted base ball bat blow on the arm of the complainant. The remaining accused including the petitioner are alleged to have damaged the household articles of the complainant by throwing Soda water bottles and brick bats.

It is contended that false case has been foisted as would be apparent from the fact that for the last more than 2 years and 8 months no arrest has been made.

Notice of motion for 11.8.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C. ”

Learned Additional Advocate General, on instructions from ASI Sarabjit Singh states that Section 326 and 452 IPC have been deleted and other offences are bailable.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 31.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

(AJAY TEWARI)
JUDGE

11.08.2016

Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No