

CRM-M No.18608 of 2016 (O&M)

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

**CRM-M No.18608 of 2016 (O&M)
Date of Decision : 07.09.2016**

Danish

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

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

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.52 dated 06.05.2016 registered under Sections 451/436/427/34 IPC at Police Station Bhogpur District Jalandhar.

On 26.05.2016 the following order was passed:-

*“Petitioner has preferred the present petition under
Section 438 Cr.P.C. seeking concession of anticipatory bail*

in case FIR No.52 dated 06.05.2016, under Sections 451/436/427/34 IPC, registered at Police Station Bhogpur, District Jalandhar.

FIR came to be registered at the instance of Narinder Singh, Sarpanch of the village. Allegations are that on the intervening night of 29/30.04.2016, while the complainant was sleeping in his house then at about 02:30 A.M., he heard a loud noise and upon coming out the house, he noticed that the left front tyre of his Maruti car had been put on fire and he also noticed the present petitioner escaping from the spot.

Counsel would submit that it is a case of false implication. It is submitted that even as per complainant's version, the complainant was residing in the neighbourhood and was previously known to the petitioner. It is also the complainant's version that he had seen the petitioner escaping from the spot. It is contended that in spite of knowing the identity of the accused, there is no plausible explanation for getting the FIR lodged only on 06.05.2016 i.e. after a delay of 6 days from the alleged occurrence.

Notice of motion, returnable for 07.09.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall

remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned Additional Advocate General, on instructions from H.C. Sukhpal Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

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 26.05.2016 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.

07.09.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No