

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

**CRM-M No.33392 of 2016 (O&M)
Date of decision : 07.11.2016**

Manjinder Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurnam Singh, Advocate
for the petitioner.

Ms. Simri Dhir Malhotra, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.65, dated 30.06.2016 registered under Sections 379-B, 34 IPC and Section 25 of Arms Act at Police Station Subhanpur, District Kapurthala.

Status report by way of affidavit of Amrik Singh, PPS, Deputy Superintendent of Police, Sub Division, Bholath, District Kapurthala on behalf of State has been filed and the same is taken on record.

As per the allegation two persons robbed an amount of Rs.9,400/- from an employee of the liquor vend on pistol point.

Learned counsel for the petitioner has argued that as per the FIR the persons entered with muffled faces and though in the FIR the petitioner was named there is no explanation as to how the complainant came to know that it was the petitioner.

On the last date a statement had been made on behalf of the prosecution that the petitioner was involved in many cases. Today status report has been filed as per which the petitioner has been acquitted/discharged in 6 cases and is facing trial in 2 cases.

Learned Deputy Advocate General has very fairly accepted that there is no credible material to show how the complainant came to know that it was the petitioner who was involved since as per the allegation the assailants had muffled their faces.

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

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 15.11.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

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

07.11.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No