

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

CRM-M-40437 of 2016

Date of Decision: February 09, 2017

Kishori Saini

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Gurinderjeet Singh, DAG, Punjab

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that he was employed with the Courier Company working under the name and style of *Krishna Courier Agency* to whom the complainant Bhupinder Verma had handed over a parcel to be delivered to *Panna Lal Guval Jeweller*, Sikandrabad and when the addressee opened the parcel to his dismay the same did not contain any gold jewellery and rather contained soap cake.

The contentions of the learned counsel for the petitioner that the petitioner has never been handed over articles in question and there is no semblance of evidence to link the petitioner with the commission of offence and the own stand of the prosecution reflects that gold ornaments claimed to be sent have already been recovered from the co-accused/non-

applicant Krishan Kumar and, thus, has sought to controvert the accusation.

Though, learned State counsel has sought to oppose the grant of relief to the petitioner but has readily conceded to the fact that the only semblance of evidence that has been collected are bill/invoice and the issuance of courier receipt by the Company.

Appreciating the submissions, the part of gold ornaments, subject matter of this consignment have been recovered from the co-accused and that there being no semblance of evidence that the parcel was handed over to the petitioner by the Courier Company and the same stand has been readily accepted with all fairness by the learned State counsel leaves much to doubt. Thus, it would be travesty to justice to send the petitioner behind the bars. In view thereof, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

February 09, 2017
aarti

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No