

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

CRM-M No.8923 of 2017
Date of decision: 11th May, 2017

Ajay Kumar @ Kaku

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Jagpal, Advocate for the petitioner.

Mr. Rupam Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Ajay Kumar alias Kaku in this anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.241 dated 30.12.2015 registered at Police Station Shimlapuri, District Ludhiana under Section 379-B IPC, are that on 30.12.2015 while Amit Kumar and Pawan Kumar were carrying cash in a bag, an unidentified person aged around 30 years is alleged to have snatched the bag while coming on a motorcycle and it is on suspicion the name of the petitioner has cropped up on the grounds that he was instrumental in getting the bag snatched.

Contentions of the learned counsel for the petitioner are that the petitioner is neither named in the FIR nor has any role to play in commission of the offence and this is the only criminal case which has been registered against him.

On behalf of the State, with all fairness learned State counsel Mr. Rupam Aggarwal, Deputy Advocate General, Punjab has conceded that the only semblance of evidence against the petitioner is the statement of his co-accused and that the petitioner is facing only this criminal case and there is no history of criminal cases against him.

Appreciating the submissions, in the light of what has been canvassed before this Court and that nothing is to be recovered from the petitioner at this belated stage and the culpability if any shall be determined at the time of trial and petitioner's joining the investigations will suffice the purpose, impels this Court to allow the prayer made. Accordingly, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 11, 2017

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No