

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

Sr. No.202

CRM-M No.9740 of 2017
Date of decision: 19.05.2017

Rohtas Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.103 dated 24.12.2016, registered under Sections 380, 454, 511 IPC, at Police Station Ghanour, District Patiala.

On 22.03.2017, while issuing notice of motion, this Court had granted ad-interim anticipatory bail to the petitioner subject to the satisfaction of the Arresting officer.

Seeking anticipatory bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; no specific allegations are levelled against the petitioner in the present FIR; there is no other criminal case in which he is involved; no recovery is to be effected from him; through order dated 28.02.2017, the co-accused Sanjeev Kumar who had earlier approached this Court through CRM-M No.1864 of 2017 has been granted anticipatory bail and that under the interim orders of this Court, the petitioner has not only joined investigation, he has fully cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Balbir Singh, admits to the fact that the co-accused of the petitioner, who has been attributed an identical role has been granted anticipatory bail by this Court; that under interim orders of this Court, the petitioner has joined investigation; has fully cooperated with the investigating agency and that there is no other criminal case in which the petitioner is involved.

Since the petitioner is not involved in any other criminal case; no recovery is to be effected from him; co-accused Sanjeev Kumar, who has been attributed an identical role has been granted anticipatory bail by this Court and as per the submission made by learned State counsel that he is no longer needed for investigation purposes, I am of the opinion that the custodial interrogation of the petitioner is not warranted.

Resultantly, the present petition is allowed and the order dated 22.03.2017 granting ad-interim anticipatory bail to the petitioner is made absolute subject to the condition prescribed under Section 438(2) Cr.P.C.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

If during the pendency of the present petition, the petitioner is found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the granted bail to the petitioner through this order.

(DEEPAK SIBAL)
JUDGE

May 19, 2017
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<i>(i) Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>(ii) Whether reportable</i>	<i>Yes/No</i>