
Gautam SharmaPetitioner

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

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Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.62 dated 18.03.2018 registered under Sections 406/380/120-B IPC at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that this case in fact is a counter blast to the proceedings initiated by father of the petitioner against the owner of the brick kiln for recovery of his salary dues amounting to ₹6,53,925/-; which he had filed on 21.11.2017. The present proceedings have been initiated at the instance of the brick kiln owner. It is further contended by the counsel that no details of any kind are mentioned in the FIR. The case is totally concocted and result of an afterthought.

On the other hand, learned State Counsel on instructions from ASI Sawinder Singh, submits that there are statements recorded by certain persons who claim to have made the payments to father of the petitioner for onward deposit of the same to brick kiln owner. However, those amounts

have not been deposited to brick kiln owner. It is further submitted by the State Counsel that the laptop is yet to be recovered.

However, perusal of the FIR would show that nothing specific is mentioned about the alleged laptop in the FIR except that father of the petitioner had taken away that laptop nor any other details of any kind are mentioned. The petitioner's argument that no details of any kind are mentioned appears, prima-facie, to be substantial.

In view of the above submissions, however, without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

July 03, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No