

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

CRM No.M-26542 of 2018 (O&M)

Date of Decision: July 10, 2018

Jagdish Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Bhullar, Advocate
for the petitioner.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.48 dated 26.03.2018 under Sections 420, 120-B and 506 IPC, registered at Police Station Guruharsahai, District Ferozepur.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that present petitioner is named in the FIR by nick name Laddu. As per the allegations, co-accused Balwinder Singh alias Binder alias Bindi, Baba Mangu and Raju Baba came to the complainant and told that there were Muslims graveyard where they are

residing and 50-60 kgs. of gold is lying underneath the same and they can

get recover the same. The complainant came in their trap and they demanded ₹31 lakhs. As per the allegations, the complainant paid ₹7 lakhs to co-accused Balwinder Singh @ Binder @ Bindi in presence of other co-accused Baba Mangu and Baba Raju. Then he again paid ₹2.50 lakhs and ₹11 lakhs. As per the FIR, total about ₹51 lakhs was given to accused. As per allegations in the FIR, co-accused Balwinder Singh started work of excavating the earth by calling the petitioner.

The perusal of the FIR shows that no money was given to the petitioner. He was simply excavating the earth. Learned counsel for the petitioner contended that petitioner is a labourer and he is engaged by co-accused.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 10, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No