

S.No.102

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

CRM-M-35293 of 2018 (O&M)

Date of Decision:21.08.2018

Jaki @ Jakab RandhawaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

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.84 dated 08.07.2018 registered under Sections 452, 326, 379, 427, 506, 148, 149, 120-B IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

Counsel for the petitioner submits that case against the petitioner is concocted one. The petitioner was not even present at the spot. It is further submitted that the incident has not even taken place at all. Still further, counsel for the petitioner submits that the other co-accused of the petitioner have already been granted concession of anticipatory bail by this Court.

A bare perusal of the FIR shows that there is specific allegation of causing injury by the petitioner to the complainant with datar. Investigation is at the initial stage. The Police is yet to find out whether the allegation against the petitioner is correct. If the Police finds that the allegation is correct, then the Police would be required to effect the recovery

of the weapon from the petitioner also. Since this is an offence causing injuries by making a group by the accused, therefore, it would not be appropriate for this Court to prevent the Police from carrying out an effective investigation to unearth the truth behind the dispute. Submission by counsel for the petitioner that the co-accused were granted anticipatory bail, does not have any effect because there are no allegations of causing injuries to anybody qua the persons who have been granted anticipatory bail. Therefore, their case stands on a different footing. The petitioner cannot draw any benefit from the fact that his co-accused have been granted anticipatory bail. Besides this, the petitioner has not been able to make out any special ground which makes his case extra-ordinary, requiring this Court to exercise powers under Section 438 Cr.P.C.

Finding no merit in the present petition, the same is dismissed.

August 21, 2018
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(RAJBIR SEHRAWAT)
JUDGE

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