

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

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CRM-M-39561-2018 (O&M)

Date of decision:21.09.2018

Avtar @ Avtar Chand

...Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Parminder Singh-I, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.135 dated 04.08.2018 under Sections 420, 406, 120-B IPC registered at Police Station City Phagwara, District Kapurthala.

2. Learned state counsel has produced status report by way of affidavit of Sandeep Kumar Malik, IPS, Assistant Superintendent of Police, Sub Division Phagwara, District Kapurthala. Same is taken on record.

3. The allegation against the petitioner is that he alongwith co-accused do recce by standing in front of the various bank and luring some depositor. They hand over packet of notes which consists 2 or 3 notes but they take original and complete packet. On secret information police apprehended 3 persons from the spot and petitioner fled away. Petitioner is stated to have escaped from the spot on the relevant date and alleged incident relating to transaction. Whereas Munish Kumar, Bimlesh Kumar Yadav and Durgesh Kumar were arrested and they have disclosed the petitioner's name. On instructions of ASI Balwinder Singh, learned State

counsel submitted that the aforesaid action by the police is on the secret information. Even though there is no complaint as such. At the same time in the status report it is mentioned that one of the victim namely Bharat Rai who has given his statement has also stated that if 4th person-petitioner is produced before him he would identify the person. That apart, learned counsel for the petitioner submitted that petitioner's profession is Taxi Driver that has been disputed in the status report to the extent that he was driving his father's vehicle and it is used for private purpose not for commercial purpose. Learned State counsel submitted that the custodial interrogation of the petitioner is necessary as certain facts are yet to be verified.

4. In view of these facts and circumstances, petitioner is not entitled for anticipatory bail. Accordingly, petition stands dismissed.

21.09.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No