

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

CRM-M-44629-2018

Date of Decision:08.10.2018

Bablu alias Anand

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present : Mr. Sandeep Thakan, Advocate
for the peittioner.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 of Cr.P.C in case FIR No.252 dated 14.07.2018 registered under Sections 379-B/452/506 and 34 IPC at Police Station Badhra.

2. Perusal of the FIR, it is evident that petitioner forcibly took away Rs.9,000/- from the cash box kept at complainant's shop.

3. Learned counsel for the petitioner is pointing out that Rajender who is one of the accused ordered to be discharged through Court. Such a decision has been taken by the Deputy Superintendent of Police. It was further submitted that allegations against Rajender is that he has broken the gate of the shop. Without breaking the gate of the shop, petitioner cannot enter into the shop. Thus, petitioner has been implicated falsely.

4. If the petitioner has been falsely implicated, no specific allegation would have been made against him by the complainant. Thus, one has to prima facie assume that petitioner must have taken a sum of Rs.9,000/- from the cash box from the complainant's shop in the absence of any counter allegations against complainant by the petitioner. Hence, petitioner has not made out any case to extend the concession of anticipatory bail.

5. Accordingly, petition stands dismissed.

08.10.2018

rajeev

(P.B. Bajanthri)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No