

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

**CRM-M-46892-2018
Date of Decision: 29.10.2018**

Rajinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present : Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 Cr.P.C in case FIR No.128 dated 12.08.2018 registered under Section 382, 379-B and Section 25 of Arms Act and (Section 379-B IPC was added later on) at Police Station Dirba, District Sangrur.

2. Learned counsel for the petitioner submitted that petitioner's name has not been cropped up in the FIR. At the same time, co-accused Jaswinder Singh, Virender Singh and Gurjinder Singh had disclosed the petitioner's name so also involvement of the petitioner is only with reference to recky of the victim at the particular point as he has apprised to the co-accused victim location. It was also fairly submitted that petitioner is not involved in any other case.

3. On the other hand, learned State counsel on instructions from ASI Gurdev Singh submitted that there is direct evidence against the petitioner. However, he did not disputed the contention of the petitioner counsel.

4. Heard learned counsel for the parties.

5. In view of the role played by the petitioner and his name has been cropped up on the disclosure statement of co-accused and failure of State to make out a case for custodial interrogation, petitioner is entitled to anticipatory bail. Accordingly, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.

6. Petition is allowed accordingly.

29.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**