

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

CRM-M-4818-2019

Date of decision:16.05.2019

SUKHWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab assisted by
ASI Pakhar Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.221 dated 17.10.2018 under Section 379-B(2) of the Indian Penal Code and under Section 25 of Arms Act, Police Station Jandiala, District Amritsar (Rural).
2. The FIR was lodged at the instance of Rakesh Chopra wherein it has been alleged that on the day of occurrence when he was coming to Jandiala from Amritsar along with servant in his car bearing registration No.PB-02-DC-1743, then a motorcycle borne youth stopped their car by bringing motorcycle in front of the car and thereafter two more persons joined him and one of them fired two shots from his revolver hitting the front tyre on his car and snatched his bag which contained a laptop and ₹1.5 lakhs and also his wallet

containing debit card etc.

3. Learned counsel for the petitioner has submitted that he is neither named in the FIR nor any sufficient description is there in the FIR and that in fact he is sought to be nominated on the basis of statement of co-accused who were arrested in the present case later on. It has been submitted that even the said co-accused had been arrested in connection with another case and later on one of them nominated another co-accused Ashish Kumar who further nominated the petitioner as a co-accused.
4. Opposing the petition, learned State counsel has submitted that since the co-accused Ashish Kumar has specifically named the petitioner, and a part of amount is yet to be recovered, no ground for grant of anticipatory bail is made out.
5. Having considered rival contentions addressed before this Court and while noticing that it is case where the petitioner is sought to be nominated on the basis of statement of co-accused, the veracity and admissibility of which is yet to be tested during the course of trial and that petitioner is stated to have joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 01.02.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as

provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

16.05.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**