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

C.R.M-M No.7739 of 2019 (O&M)

Date of Decision : 28.02.2019

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..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.43 dated 25.03.2018 registered under Sections 307, 452, 323, 148, 149 IPC and Sections 25 & 27 of the Arms Act at Police Station Bhikhiwind, District Tarn Taran.

Counsel for the petitioner has argued that in the first place the petitioner has been falsely implicated in the present case and there is no attribution of any injury to him. He has further argued that the petitioner was earlier granted interim bail by the same court and the same was rejected later only on the ground that the Datar which was allegedly carrying by him was not recovered. He has further stated that once it is the case of the petitioner that he was falsely implicated, there was no occasion to recover

any Datar.

Learned Deputy Advocate General on instructions from S.I. Surinder Pal Singh has accepted the fact that no injury was attributed to the petitioner and that it was only alleged that he was carrying a Datar.

In view of the facts and circumstances of the case, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 07.03.2019 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

February 28, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No