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

C.R.M-M No.12875 of 2019

Date of Decision : 27.03.2019

Boota Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Dinesh Sharma, 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.122 dated 17.11.2018 registered under Sections 457 & 380 IPC at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

As per the allegations the shop of the complainant was broken into the intervening night of 16/17 November, 2018 and many mobile phones etc. were stolen.

Counsel for the petitioner has argued that the petitioner is only being sought to be implicated only on the basis of statement of co-accused and there is no independent witness against him till date. Counsel for the petitioner has further argued that the learned Additional Sessions Judge had granted interim bail to him and he had joined the investigation but the bail

was rejected only on the ground that mobile phones were not recovered. But if the petitioner was not even involved, there is no question of getting the mobile phones recovered.

On instructions from Head Constable Surjit Singh, the learned Deputy Advocate General has accepted that the only evidence which has appeared against the petitioner is the disclosure statement of the co-accused.

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 06.04.2019 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.

March 27, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No