

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35798-2018 (O&M)

Date of Decision:- 5.2.2019

Arun Kumar

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shakti Mehta, Advocate, for the petitioner.

Mr. Manish Jain, Addl. PP, for U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.457, dated 1.12.2017, registered at Police Station Sector 34, Chandigarh, under Sections 365, 506 and 34 IPC.
2. The FIR was registered at the instance of Vipin Narula wherein it has been alleged that on the day of occurrence when he was entering St. Stephen School, Chandigarh, then suddenly 4-5 persons came there and forced him into a vehicle i.e. XUV500. It is alleged that he could recognize two of them to be Bharat Bhushan Tiko and his son Rahul Tiko. It is alleged that Bharat Bhushan Tiko, took away his phone,

sunglasses and the accused also took away his gold chain and an amount of ₹25,000/- which he was carrying. It has alleged therein that later on the daughter of the complainant was called, who upon watching CCTV footage verified the fact that person kidnapped was her father.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and that the two persons who are specifically named in the FIR had been arrested and have already been released on bail and that in these circumstances the petitioner in any case deserves the concession of bail on the grounds of parity as well.
4. Opposing the petition, the learned counsel representing U.T. Chandigarh has pointed out that the petitioner is not fully co-operating with investigation although, he had joined investigation and that in fact his address as stated in the petition was also not found to be correct.
5. Learned counsel for the petitioner has however clarified that the address, as mentioned in the petition is the place where his father and uncle are residing and that the petitioner also resides with them although he hails from Uttar Pradesh.
6. Having considered rival submissions addressed before this Court and also the fact that the CCTV footage is not stated to be very clear, as informed by learned State counsel, upon instructions from Investigating Officer Krishan Dev Singh and also the fact that the petitioner is not named in the FIR and has otherwise also joined investigation, in my opinion, it is a fit case for grant of anticipatory

bail. The petition, as such, is accepted and interim directions issued vide order dated 20.8.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 5, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No