

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

110

CRM-M-13849-2020

Date of Decision: 03.06.2020.

Rocky

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S. Randhawa, Advocate for the petitioner.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 02.03.2020, under Section 457, 380 IPC, registered at Police Station Nangal, District Rupnagar.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab, who is present through video conferencing accepts notice on behalf of the respondent-State. Advance copy of the petition has already been served upon the State.

Counsel for the petitioner submitted that the allegation against the petitioner is regarding theft of Rs.600/- and a battery from the shop of the complainant. The alleged theft is said to have taken place on

27.02.2020. However, the FIR was lodged against one Raja and the present petitioner on 02.03.2020. The delay in itself shows that the same is false and fabricated. He further submits that no doubt the petitioner is involved three other cases but out of those three cases, FIR already stands quashed in one, in the second case he stands acquitted and the third case which is under the Punjab Excise Act, is pending against the petitioner.

State counsel has opposed the bail application on the ground that the petitioner is a habitual offender and does not deserve the concession of anticipatory bail.

I have considered the rival arguments. The involvement of the petitioner in the offence is debatable. There is a delay of five days in the registration of the FIR.

Keeping in view the facts and circumstances and without commenting on the merits of the case, this petition is allowed. The petitioner shall join the investigation and would be present as and when called for and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioner does not join the investigation that it will be open to the State to file an application to recall the order.

(SUVIR SEHGAL)
JUDGE

03.06.2020

komal

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