

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

105

CRM-M No.17363 of 2020
DATE OF DECISION : 3rd JULY, 2020

Gurmukh Singh @ Gora

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. S. K. Chaudhary, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.85 dated 03.07.2019 registered under Sections 454 & 380 IPC, at Police Station Badhni Kalan, District Moga.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Still further it is submitted that the bare fact, that the allegation is qua stealing of 6-7 quintals of wheat, shows the falsity and improbability of the case. Otherwise also, there has been a delay of eight days in lodging the FIR. The petitioner undertakes to join the investigation. The petitioner does not have any other case against him.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by ASI Pritam Singh, submits that the petitioner was seen by the complainant himself, as running away from inside his house. Therefore, even if the story is exaggerated qua stealing of wheat, there is allegation of stealing of ₹40,000/-, as well. However, it is not disputed that there has been a delay of eight days in lodging the FIR and that there is no other case against the petitioner.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

3rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No