

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

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IN VIRTUAL COURT

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**CRM-M No. 28021 of 2020
Date of decision : 16.9.2020**

Jagwinder Singh @ Raju

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. A.S. Kler, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 135 dated 16.6.2020, registered under Sections 420/379/381/120B IPC, at Police Station Canal Colony, District Bathinda.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the allegations of the complainant, the petitioner is not involved in the act of theft of transformer oil. The said act was committed only by and in connivance of the driver of the tanker of the complainant. The only allegation against the petitioner is that had the act of theft been taken to its logical end, then the petitioner would have purchased that stolen oil. However, the alleged stolen oil already stands recovered from the co-accused. There is no participation of the petitioner in the crime as such. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by HC Rajwinder Singh, that the name of the petitioner is mentioned in the FIR itself. There are specific allegations against the petitioner. However, it is not disputed that the allegations against the petitioner is not regarding the act of committing theft of the transformer oil, rather, the allegation is that the petitioner was the intending purchaser; had the oil been stolen by the co-accused. However, he could not purchase the same because the co-accused was caught before that. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

16.9.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No