

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

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**CRM-M No.28264 of 2020**

**DATE OF DECISION : 17<sup>th</sup> SEPTEMBER, 2020**

**Kakka @ Gulshan**

**.... 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. Piyush Sharma, 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.98 dated 05.03.2020 registered under Sections 379 & 411 IPC, at Police Station City Ferozepur, District Ferozepur.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. There is not even any person alleging that his material has been stolen. The case has been concocted by the police only on the basis of an alleged secret information and thereafter the truck of the petitioner has been taken in to custody by the police. The name of the petitioner has been sought to be involved in the case on the basis of alleged disclosure statement of the co-accused. However, the said co-accused has already been granted bail by the court. Not only this, similarly situated another co-accused, namely, Sahil has been granted anticipatory bail by this court, as well. The petitioner will join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Hittan Nehra, Additional Advocate General, Punjab, accepts notice on behalf of the State.

Learned counsel for the State, on being instructed by SI Jagdeep Singh, has submitted that the petitioner along with three more persons were intercepted by the police on the basis of secret information that they were carrying stolen material in their truck. On being intercepted, three persons, including the present petitioner, had run away from the spot, but fourth person, namely, Zora, was arrested by the police. From the truck, in which these three persons were traveling, five bags of rice, each containing 50 Kg and five bags wheat, each containing 50 Kg each, were recovered. The truck in question was also taken in to custody by the police. Still further, it is submitted that there are three more cases against the petitioner. However, it is not disputed that the person from whom the recovery was effected, has been granted regular bail and another co-accused with similar allegations, as are against the petitioner, has been released on anticipatory bail.

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.

17<sup>th</sup> SEPTEMBER, 2020  
'raj'

(RAJBIR SEHRAWAT)  
JUDGE

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|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |