

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

CRM-M-34498-2019 (O&M)

Date of Decision:-3.3.2020

GURTEJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasmail Singh Brar, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Dharam Pal.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.35 dated 8.5.2019 under Sections 399, 402 IPC and Section 25 of Arms Act (offence under Section 201 & 411 IPC added later on vide '*Rapat*' dated 10.5.2019) at Police Station Lakhewali, District Sri Muktsar Sahib.
2. It is the case of prosecution that on 8.5.2019, when a police party was present at Bus Stop Ruhurianwali in connection with checking of anti-social elements, then a secret information was received to the effect that Dalbir Singh @ Dulla, Harphul Singh, Paramjit Singh, Sewa Singh, Sandip Singh @ Ghoghi, Navikiran Singh @ Gullu, Kheta Singh, Sukhwinder Singh @ Dhakad, Gurtej Singh, Jagga Singh and Nimu, who are habitual of committing offences of extortion, snatching etc. had

assembled together and were armed with deadly weapons for the purpose of committing some acts of snatching and were making plan for the same in an abandoned brick kiln on the link road from Ruhurianwali to Bhagsar. Upon receipt of said information the police swung into action and raided the nominated place and that 9 persons as named in the FIR were arrested. The petitioner was not amongst those nine persons arrested at the spot.

3. Learned counsel for the petitioner submitted that although he is named in the FIR but he was never found at the spot and it is only nine persons out of eleven named who were found at the spot when the police raided the premises in question.
4. Opposing the petition, learned State counsel has submitted that since there was a definite information against the petitioner and other accused and in fact nine of his co-accused were found at the spot as per the secret information, no case for grant of anticipatory bail is made out. Learned State counsel has however informed that the petitioner is not wanted in any other case and that he has since joined investigation.
5. Having regard to the facts and circumstances of the case, especially that the petitioner was neither arrested at the spot nor was found at the spot and nor is stated to be wanted in any other case, his custodial interrogation in the present case is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 26.9.2019 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and

when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

3.3.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No