

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55409 of 2019

DATE OF DECISION: JANUARY 28, 2020

ANOOP GROVER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.P.S. SIDHU, ADVOCATE FOR THE PETITIONER.
MS. MONIKA JALOTA, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Anoop Grover has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.166 dated 27.9.2019, under Sections 365, 384, 506, 120-B IPC, Police Station Sadar Bathinda, District Bathinda. The petitioner is in custody since his arrest on 28.9.2019.

The FIR was registered on the statement of Mohammad Rafiq, who stated that on 26.9.2019, Mohammad Imran, his co-villager, came from Dubai and the complainant alongwith his friend Liyakat Sherani and Mohammad Younis had gone to receive him at Amritsar Airport. The brother of the complainant had sent an Iron, one electrical equipment and remote controlled toy car through Mohammad Imran which was fitted with Gold and when they were returning to their village in their vehicle, then an Innova vehicle blocked their way and stopped them. A police official, namely, K.C. Prasher accompanied by his gunmen alighted from the said Innova and asked for search of their vehicle. Thereafter an Alto car came

wherein two persons were sitting, who were later on identified as Anoop Grover (petitioner) and Avtar Singh. The complainant alongwith his companions were taken to police station and Avtar Singh drove their vehicle, whereas Anoop Grover drove Alto car and followed them. In the Police Station, K.C.Prasher and Avtar Singh started threatening the complainant and his companions. According to the complainant the articles carried by them in their car were shifted by Avtar Singh from his Bolero vehicle in the Alto car which was driven away by Anoop Grover from the spot.

Learned counsel for the petitioner contends that the accusations were levelled by the complainant against the police officer, namely, K.C.Prasher who was accompanied with two other persons. He submits that smuggling of gold, if any, can be attributed to the person who came from Dubai and the petitioner is not involved in the said crime. It is argued that the purchase bills relied upon by the complainant were found forged. It is pointed out that the petitioner was not even travelling in the vehicle wherein the said accused and other police officials were travelling. He submits that the allegations are against police officer whereby the complainant was detained in the police station in conspiracy with other police officials. He further submits that the petitioner is a Commission Agent who allegedly was coming in a different vehicle. According to him, the investigation of the case is complete and the petitioner is not required for any investigation.

On the other hand, learned counsel for the State submits that the petitioner conspired with the police officials in the alleged crime and

therefore, does not deserve the concession of bail. She, however, does not dispute the fact that the investigation of the case is complete and the challan stands filed for the offence punishable under Sections 365, 392, 342, 379, 506, 120-B IPC and the petitioner is confined in judicial custody.

After hearing the learned counsel for the parties, this Court is of the opinion that the trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified, particularly when the investigation of the case is complete.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court concerned.

The petition is allowed.

January 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No