

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-35690-2021

Date of Decision : September 01, 2021

Gurpreet Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Thakur, Advocate, for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.112 dated 13.07.2021 registered under Section 379-B IPC (Section 411 IPC added later on) at Police Station Kartarpur, District Jalandhar Rural.

Learned counsel for the petitioner argues that the petitioner has only been implicated on the basis of the disclosure statement of the co-accused namely Lakhvir Singh whereas the petitioner was not present at the site of the incident. Learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and therefore, as the petitioner is ready to cooperate and to join the investigation, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

On the instructions from SI Hardeep Singh, Police Station Kartarpur, learned counsel for the respondent-State submits that the contention that the petitioner has been falsely implicated in the present case, is incorrect for the reason that even in the FIR, the complainant had mentioned that three persons had stopped him on the site of incident and committed the crime and out of the three, one was identified. Learned counsel for the respondent-State further submits that it is also incorrect that nothing is to be recovered from the petitioner as the mobile phones, the money as well as even the motorcycle taken away from the complainant is yet to be recovered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a case where the complainant has mentioned that there were three people involved in the incident and the complainant had identified the one of the co-accused namely Lakhvir Singh, who was arrested. It is Lakhvir Singh, who has named the petitioner being his accomplice. Nothing has been brought to the notice of this Court that why the co-accused will name the petitioner if he is not involved in the incident. Furthermore, the recovery of the items is yet to be done, no ground is made out to grant the petitioner the benefit of anticipatory bail as the custodial interrogation of the petitioner is necessary to find out the truth and to recover the items.

Accordingly, the present petition is dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

September 01, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No