

Sunil Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arjun Sheoran, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Manu Loona, Advocate for respondent No.2/complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
207	30.09.2020	City Fazilka, District Fazilka	384, 511, 500, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail.
2. Ld. Counsel appearing for the State points out that all offences mentioned in FIR are bailable and as such the petition is not maintainable.
3. A perusal of the petition reveals that all the offences mentioned in FIR are bailable. A petition under Section 438 Cr.P.C. would lie when the offences are non-bailable. Hence this petition is not maintainable. In bailable offences, the Investigating Officer is under a legal obligation to release the petitioner on furnishing bail bonds in terms of Section 436 Cr.P.C. However, in case the investigator adds any penal provision of non-bailable offence and wants to arrest the petitioner regarding the same, then they shall intimate the petitioner and afford a week to enable the petitioner to avail legal remedies.

Petition disposed of in aforesaid terms. All pending applications, if any, stand disposed.

01.08.2022
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No.