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

CRM-M-37796-2022

Date of decision : 25.08.2022

Navdeep Singh @ Ganju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Satveer Singh Badal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.93 dated 13.07.2022 registered under Sections 379-B, 411 and 34 of the Indian Penal Code, 1860 at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that in the present case, although, the name of the petitioner has been mentioned in the FIR but no recovery has been effected from him and nor he was present at the spot and recovery has been effected from two co-accused persons who were apprehended at the spot. It is further submitted that in the FIR, it has been mentioned that the petitioner and other co-accused are habitual offenders but however, the petitioner has not been involved in any other

case.

On the other hand, learned State Counsel has opposed the present petition and on instructions from ASI Prabhjot Singh, has submitted that in pursuance of the information, the police party had conducted raid in which two persons namely Surjit Singh and Gurpreet Singh were arrested from whom one motorcycle and one mobile phone was recovered. It is, however, not disputed that the petitioner was not apprehended at the spot nor any recovery has been effected from him and that he is not involved in any other case.

This Court has heard the learned counsel for the parties and has perused the paper book.

The petitioner alongwith other co-accused have been named in the FIR on the allegations that they are habitual offenders and are about to commit another crime and have a Hero Honda Splendor without registration number and are standing at Malout-Sri Muktsar Sahib road near Sugar Mill Village Malout. After the raid was conducted, two persons namely Surjit Singh and Gurpreet Singh were arrested, from whom, the recovery of one motorcycle and one mobile phone has been effected and the petitioner has not been apprehended at the spot nor any recovery has been effected from him. The allegation in the FIR to the effect that the petitioner is a habitual offender is prima facie incorrect as there is no other FIR registered against the petitioner.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal

bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No