

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

209

CRM-M-47444-2021 (O&M)

Date of Decision: 25.04.2022

Pawan Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manav Prateek Sharma, Advocate, for
Mr. G. S, Bajwa, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab
assisted by ASI Resham Lal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.201 dated 28.11.2019 at Police Station A-Division Amritsar City, under Sections 307/380/342/436/120-B IPC (Section 457/458 IPC added later on).
2. At the time of issuance of notice of motion on 22.11.2021, the following order was passed:

“Learned counsel for the petitioner contends that even as per the FIR the allegations of burning of house and theft of Rs.5 lakhs from the house of the complainant are only against co-accused and there is no reference at all to presence of any other person other than co-accused Raj who was working as a domestic help to the complainant. It has been submitted that the petitioner has now been nominated as an accused on the basis of an alleged disclosure statement of co-accused who is wife of the

present petitioner which would hardly carry any evidentiary value. It has further been submitted that in fact the petitioner has been falsely implicated simply in order to pressurize co-accused Raj who has already been released on regular bail by this court.

Notice of motion for 25.4.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that even as per the FIR, it is co-accused Raj Rani, who is alleged to have set the house of the complainant on fire and is alleged to have stolen an amount of Rs.5 Lakhs from the house of the complainant.
4. Opposing the petition, learned State counsel has submitted that since the wife (Raj Rani) of the petitioner herself had made a disclosure statement nominating the petitioner, his complicity is clearly evident and that no special case for grant of anticipatory bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is not wanted in any other case.
5. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable and while also noticing that the

petitioner has joined investigation and otherwise has a clean record and is not even stated to be present when the occurrence took place, the petition is accepted and the interim directions issued by this Court vide order dated 22.11.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.04.2022

VY

(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No