

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55502-2022
Date of Decision:01.12.2022

MANOJ KUMAR

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.420 dated 21.10.2022 registered at Police Station Furrukh Nagar District Gurugram, under Sections 419, 420, 34 and 120B IPC.

Learned counsel for the petitioner inter alia contends that as per FIR, offence punishable under Section 419, 420, 34 and 120B of IPC has been committed by different persons in connivance of each other. The petitioner has been implicated on the basis of statement of co-accused. The petitioner is running a coaching institute, thus, there is no question of involvement in the alleged offence of impersonation to ensure post of driver in Delhi police for co-accused Lalit Yadav. The maximum sentence prescribed is 7 years, thus, petitioner is entitled to protection in terms of ***Arnesh Kumar Vs. State of Bihar***. The petitioner has not received any illegal consideration from Lalit Yadav and police is attempting to implicate the petitioner.

Notice of motion.

On the asking of Court, Ms. Dimple Jain, AAG, Punjab accepts notice on behalf of respondent-State.

The petitioner is not named in the FIR and his name has surfaced in the disclosure statement of the accused. The maximum sentence prescribed for the alleged offence is 7 years.

The respondent is directed to initiate steps against the petitioner only after complying with mandate of Sections 41 and 41 A of Cr.P.C and Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.12.2022
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>