

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M No.37607 of 2023 (O&M)
DATE OF DECISION: 03rd AUGUST, 2023

Roxy Saggu and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ajaivir Singh, Advocate
for the petitioners.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.188 dated 28.09.2022 registered under Sections 379, 447, 511, 427, 34 IPC at Police Station Sadar Ludhiana, District Ludhiana.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the present FIR has been concocted to pressurize the petitioners to relinquish their claim qua the property regarding which the mother of the petitioners has already filed a civil suit claiming ownership and the said civil suit is still pending. There is no other case against the petitioners. Therefore, the petitioners deserve concession of anticipatory bail to the petitioners.

3. Notice of motion.

4. Mr. Sandeep, Addl. Advocate General, Punjab, assisted by ASI Rajinder Pal, P.S. Sadar Ludhiana and Mr. B.S. Seemar, Advocate, accepts notice on behalf of the complainant.
5. Learned State counsel, being assisted by learned counsel for the complainant and being instructed by ASI Rajinder Pal, has submitted that the petitioners have committed theft regarding bags of cements and plastic pipes. Hence, the petitioners do not deserve any concession of anticipatory bail. However, it is not disputed that there is a civil litigation going on between the parties regarding the property from where the material is alleged to have been stolen.
6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

03rd AUGUST, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No