

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

**CRM-M-39175-2023
Date of Decision: 10.08.2023**

Kapil Dev Kaushal and others Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Avtar Singh Khinda, Advocate,
for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.164 dated 23.07.2023 registered under Sections 323, 506, 448, 380, 451, 511, 427 and 120-B of the Indian Penal Code, 1860, at Police Station Mahilpur, District Hoshiarpur.

2. It is submitted by the learned counsel for the petitioners that the case against the petitioners is totally concocted and has been created as a pressure tactics. Otherwise, none of the petitioners is connected with the crime at all. Even as per the allegations of the prosecution, the shop in which the complainant is stated to be a tenant is alleged to have been demolished by some persons. However, none of the petitioners is having any concern with the shop, either as owner, occupier or in any capacity. Therefore, none of the petitioners have any reason or occasion to participate in demolition of the shop, as such. Otherwise also, nothing is to be recovered

from the petitioners. The petitioners undertake to join the investigation as and when so required by the police. Hence, the petitioners deserve to be protected against their arrest.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.

5. At this stage, Mr. Kartik Gupta, Advocate, has put in appearance on behalf of the complainant.

6. Learned counsel for the State, being instructed by ASI Harbhajan Singh and being assisted by Mr. Kartik Gupta, counsel for the complainant, has submitted that the petitioners were directly involved in the crime. They have demolished the shop in question in the night and they have taken away the DVR pertaining to the CCTV camera as well. Therefore, the DVR and some material taken from the shop are yet to be recovered. Therefore, the petitioners do not deserve any concession of anticipatory bail. However, it is not disputed that none of the petitioners is having any concern with the shop as such either as an owner and/or in any capacity whatsoever.

7. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioners. 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.

(RAJBIR SEHRAWAT)
JUDGE

10.08.2023
adhikari

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