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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 38852 - 2023
Date of decision: 09.08.2023

<i>Rajak Shah</i>	<i>.....Petitioner</i>
<i>Versus</i>	
<i>State of Punjab</i>	<i>.....Respondent</i>

Coram: Hon'ble Mr. Justice Rajbir Sehrawat
-.-

Present: Mr. H S Saggu, Advocate
for the petitioner
-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 33 dated 07.06.2023, registered under Sections 454 and 380 of the Indian Penal Code, at Police Station Sherpur, District Sangrur (Annexure P1).

It is submitted by counsel for the petitioner that the name of the petitioner has wrongly been involved in the case. At the first instance; FIR was registered against one *Kaka Khan*. The name of the petitioner has unnecessarily been dragged in the case. As per the story of the prosecution, the alleged theft is of some silver ornaments, having not much value. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

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

Counsel for the State being instructed by ASI Charanjit Singh has submitted that the name of the petitioner has surfaced during investigation. The investigation is at the initial stage. The police may require custodial interrogation of the petitioner. However, it is not disputed that there is no other case against the petitioner, and that, at the first instance, it was one Kaka Khan, who was named in the FIR.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner 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

August 09, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No