

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40129-2023
Date of Decision: 05.12.2023

Hitesh Kumar
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- None for the petitioner.

Mr. Gurvinder Singh Sidhu, AAG, Punjab.

Mr. B.D. Sharma, Advocate, for the complainant.

FIR No.	Dated	Police Station	Section/s
21	03.03.2023	Division No.3, Jalandhar, District Commissionerate Jalandhar	382, 341, 419, 506, 34 IPC

VIKAS SURI, J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case.
2. As per the prosecution version, a complaint was made by complainant-Gagan Khanna on the allegations that he is working in a finance company and one Anshu Verma had borrowed money from him. On 02.03.2023, Anshu Verma called him to reach at Football Chowk, Jalandhar and later on, at Amar Guest House, Phagwara Gate, Jalandhar, to take the

money back. When the complainant reached Amar Guest House, Anshu Verma took him to Room No.114, where petitioner-Hitesh along with Pratham, Pankaj, Jai and Kali were already present there and playing cards and Anshu Verma also joined them. After about 10/12 minutes, two persons representing themselves to be officials of CIA staff, came to the room and started making video and tried to forcibly take his phone. When the complainant did not give his phone, said persons started threatening him. The complainant tried to escape from there but the said persons caught him and snatched ₹70,000/-, collection money he was having and fled away from the spot.

3. On 11.10.2023, following order was passed:-

“On 17.08.2023, learned counsel for the petitioner has sought time to peruse the order dated 16.08.2023 passed in CRM-M-39903-2023 in the case of co-accused, titled Pankaj Kumar vs. State of Punjab, whereby the petition under Section 438 Cr.P.C. seeking anticipatory bail qua the said co-accused had been dismissed. Thereafter, an adjournment was sought on the ground that the arguing counsel is in personal difficulty.

Today, the petitioner remains unrepresented. It appears that petitioner is not serious to prosecute the present petition.

In the interest of justice, adjourned to 05.12.2023.

It is, however, made clear that there is no interim order in favour of the petitioner and pendency of the present petition be not cited as a ground to derail investigation or avoid securing

presence of the petitioner.”

4. On resumed hearing today, there is no representation on behalf of the petitioner.
5. Learned State counsel as well as learned counsel for the complainant submit that the petitioner in the present case is identically situated to co-accused Pankaj Kumar, whose prayer for grant of interim bail was dismissed vide order dated 16.08.2023 passed in CRM-M-39903-2023 titled *Pankaj Kumar vs. State of Punjab*.
6. In view of the above and keeping in view the nature of allegations levelled against the petitioner, no case is made out for grant of concession of anticipatory bail, at this stage. Accordingly, having not found it to be a fit case to grant indulgence in the facts and circumstances peculiar to this case, the present petition is liable to be outrightly rejected.
7. The petition stands dismissed.

December 05, 2023
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(VIKAS SURI)
JUDGE

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