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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 41596-2023
Date of decision: 23.08.2023*Raj Kumar alias Raju**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat****Present: Mr. Vipan Kumar Sharma, Advocate
for the petitioner**

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory bail to the petitioner in case FIR No. 0093 dated 08.08.2018, registered under Sections 379-B, 326, 452, 427, 448, 323, 324, 511, 148 and 149 of the Indian Penal Code, at Police Station Lambra, District Jalandhar Rural, Punjab (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime as alleged against him. Ever as per the story of the prosecution, the petitioner was not initially named in the FIR. However, the name of the petitioner has been intentionally dragged in the alleged crime only on the basis of the statement, allegedly, made by the complainant at the behest of the police. But while appearing before the Court as a prosecution witness, the complainant has specifically denied having made any complaint

to any authority against the petitioner; by asserting that the police had obtained his signatures on some blank papers. Hence, the entire case itself is baseless. The petitioner shall join the investigation if the police so required. Hence, the petitioner deserves to be protected against his arrest.

- 3) Notice of motion.
- 4) Mr. Sandeep Singh, Additional Advocate General Punjab accepts the notice on behalf of the respondent - State.
- 5) Counsel for the State, being assisted by ASI-Subhash Kumar has submitted that the petitioner was named by the complainant as the main accused, who had snatched the mobile phone from him. There is another case against the petitioner; as well. Further, it is not disputed that the complainant has not supported the case and has denied having made any complaint to the authority against the petitioner.
- 6) 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/surety bonds 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 23, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No