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

CRM-M-42176-2023
Date of Decision: 25.08.2023

Amrik Singh ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. N.S.Gill, Advocate, for
Mr. Munish Gupta, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.139 dated 23.06.2023, registered under Sections 323, 380, 427, 411, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Mahilpur, District Hoshiarpur.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. The case has been fabricated by the complainant for motivated reason because the complainant is tenant in the house belonging to one of the co-accused. Since, the said co-accused had asked the complainant to vacate the house, therefore, to put pressure upon the said co-accused, who happens to be the brother of the petitioner only, and the petitioner, the present case has been created. Even as per the case, there are no specific allegations against the petitioner, as such. The co-accused, from whom the recoveries have allegedly been effected, has already been released on bail by the Court below. There is no other case against the petitioner. The

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petitioner undertakes to join the investigation as and when so required by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

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

5. Learned counsel for the State, on instructions from ASI Jasbir Singh, has submitted that the petitioner is the main accused in the case. The police are yet to recover the gold chain from the petitioner. Therefore, the custodial interrogation of the petitioner is imperative in the present case. However, it is not disputed that the complainant is tenant in the house of one of the co-accused and that there is no other case against the petitioner.

6. 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 petitioner. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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

25.08.2023
adhikari

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

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