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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 45862-2023
Date of decision: 14.09.2023*Kamal alias Lalluwala**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat****Present: Mr. Manit Malhotra, Advocate
for the petitioner**

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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.21 dated 02.02.2023, registered under Sections 380, 457 of the Indian Penal Code (Section 411 IPC later on), at Police Station Jalandhar Cantt. (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. Otherwise also, the matter has already been amicably settled with the complainant qua the petitioner. Therefore, the petitioner has also filed a petition (CRM M 44740-2023) seeking quashing of the FIR against the petitioner on the basis of the compromise, in which notice of motion has been issued for 19.12.2023. Therefore, the petitioner would not even be required for any further investigation as such.

Notice of motion.

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

Counsel for the State being instructed from ASI Hardial Singh has submitted that the petitioner is involved in the crime because he had purchased the stolen goods. The said goods are required to be recovered from the petitioner. Therefore, the police require the custodial interrogation of the petitioner.

Keeping in view of the fact that the matter is stated to have been settled with the complainant and a petition for quashing of the FIR, on the basis of the compromise, has already been filed by the petitioner, this Court is of the view that it would not be unjustified to grant protection to the petitioner against his arrest.

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

14.09.2023

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