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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 50848-2023
Date of decision: 09.10.2023*Govinda**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Prateek Pandit, 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/pre-arrest bail to the petitioner in case FIR No. 198 dated 07.09.2023, registered under Sections 379-B, 201, 411 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Dharamkot, District Moga (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story put up by the complainant, a snatching incident was done by the three persons. All the three persons have been identified by the complainant in the identification parade. Therefore, the petitioner cannot be said to be involved in the alleged crime. The only ground created by the police to involve the petitioner is the alleged disclosure statement of the co-accused and the fact that a motor-cycle belonging to the sister of the petitioner has been recovered from the said co-accused. However, the sister of the petitioner is already married and

residing in her matrimonial home. Moreover, the police has not been able to connect the petitioner with the crime or to the vehicle, allegedly recovered by the police in the case. There is no other case against the petitioner. The petitioner shall join the investigation as and when called by the police. 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) It is submitted by counsel for the State, on instructions from ASI Gurpreet Singh that the petitioner is directly involved in the crime. The name of the petitioner has duly come up on the basis of the disclosure statement of the co-accused. Not only that, as per the said disclosure, the motor-cycle, which has been recovered from the co-accused, was provided by the petitioner. However, it is not disputed that neither the said motor-cycle is registered in the name of the petitioner nor is there any other case 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

October 09, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No