

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M No.55827 of 2023 (O&M)
DATE OF DECISION: 06th NOVEMBER, 2023

Shabir Ahmed

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Munish Puri, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.005 dated 08.04.2023 registered under Sections 379 and 34 of IPC (Sections 379-B and 506 IPC added later on vide GD No.29 dated 13.04.2023) at Police Station Dhar Kalan, District Pathankot.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. Even as per the story of the prosecution, the allegation against the petitioner was of stealing 17 sheep and goats. The name of the petitioner was not mentioned in the FIR. His name had surfaced in the case only on the basis of the disclosure statement of the co-accused. Fourteen sheep and goats have already been got recovered from the co-accused. All the other co-accused have already been granted either regular bail or anticipatory bail. There is no other case against the petitioner. The petitioner is ready to join the investigation as and when

called 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 State.
5. Learned State Counsel, being instructed by ASI Kewal Singh, has submitted that the name of the petitioner has duly surfaced in the case through the statement made by one of the persons who had stolen the sheep and goats of the complainant. Fourteen sheep and goats have already been recovered from the co-accused, who has named the petitioner. However, it is not disputed by learned State counsel that there is no other case against the petitioner and that all the co-accused have already been granted either regular bail or anticipatory bail in the matter.
6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. 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.

06th NOVEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>