

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.59496 of 2023

DATE OF DECISION : 24th NOVEMBER, 2023

EMANIAL SALHOTRA ALIAS DODI

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Rishu Mahajan, 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 of the Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.203 dated 09.11.2023 registered under Sections 341, 379-B, 506 and 34 IPC 1860 at Police Station Sadar Jalandhar, District Jalandhar.

2. The counsel for the petitioner has submitted that the case against the petitioner is totally frivolous and concocted one. The petitioner is not involved in the crime as alleged against him. In fact, the petitioner was defrauded by Sanjiv Kumar @ Sunny in the name of sending the petitioner abroad. In the process, the petitioner was defrauded of about ₹15,00,000/-, including bank transactions of ₹10,00,000/- in favour of Sanjiv Kumar. To return part of the said amount, the above said Sanjiv Kumar had given a cheque of ₹4,00,000/- to the petitioner. However, even the said cheque was bounced. Sanjiv Kumar has no intention to return that money. Therefore, as a pressure tactic he has managed the present FIR against the petitioner, by hobnobbing with the police, in which the car of the above said Sanjiv Kumar is alleged to have been snatched from one Rohit by the petitioner

and the co-accused. Moreover, even the FIR is lodged after three days of the alleged incident of snatching. Hence, this is quite clear that the FIR has been concocted with due deliberation with the police officer, who has registered the FIR. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest in the present case.

3. Notice of motion.

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

5. The counsel for the State, on instructions from ASI Sukhwinder, has submitted that police had received a complaint from one Rohit that car bearing registration No. PB-08-FC-0058 has been snatched from him by four persons, including the present petitioner. However, it is not disputed that the said car belongs to the above said Sanjiv Kumar only. It is also not disputed by counsel for the State that there is no other case against the petitioner.

6. In view of the above, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of 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.

24th November, 2023
raj/mahima

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No