

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33-2024
DECIDED ON: 04.01.2024

PAWAN KUMAR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohan Singh Rana, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.128, dated 07.12.2023, under Section 380 of IPC, 1860 (Section 411 of IPC added later on), registered at Police Station City-2 Abohar, District Fazilka (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner has been unnecessarily nominated in the instant FIR merely on the pretext that he is a friend of co-accused namely Vandana, but no allegation whatsoever coming forth even a bare perusal of the complaint, which resulted into the instant FIR (Annexure P-1).
3. Notice of motion.
4. On the asking of Court, Mr. H.S. Sitta, DAG Punjab accepts notice on behalf of respondent-State, who on instructions from ASI Raj Singh could not controvert the said factual aspect that there is no direct incriminating evidence against the petitioner.

5. This Court having gone through the FIR and considering the categoric submissions in clear terms by the learned State counsel that there is no *iota* in evidence to connect the petitioner with the commissioning of offence except that he is known and connected to co-accused namely Vandana, which is corroborated by phone calls during the course of investigation.

6. At this stage, since there is no incriminating material evidence against the petitioner, though the investigation is still going in the case, it is a fit case, where the petition deserves to be allowed.

7. Hence, the present petition is disposed of with a direction to the petitioner to join the investigation, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. He shall join the investigation on 06.01.2024 at 10.00 AM with the Investigating Officer concerned. However, it is made clear that in case the petitioner fails to join the investigation on the stipulated date and time given by this Court, respondent-State is at liberty to file an appropriate application for cancellation of anticipatory bail granted by this Court. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

04.01.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>