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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31046-2024

Date of Decision:- 13.08.2024

RAHUL

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Rahul has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.20 dated 23.04.2024 under Sections 379 and 457 IPC registered at Police Station Arif Ke District Ferozepur (P-1).

2. Facts of the case are that Kamalpreet Singh gave his statement that he is commission agent by profession. On 22.04.2024 night he had parked two ghora tarollas bearing registration No.PB-05-Y-6251 and PB-05-Y-6799 loaded with wheat bags on the main road Mallanwala Ferozepur. He and his father slept in room at weighing machine to guard the said tarollas. At about 4.30 am on 23.04.2024, he heard some noise

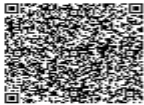


grain bags from tarollas to their vehicle Mahindra Pickup bearing registration No.PB-05-AQ-2391. His father raised alarm. One of the boy called Rahul to shoot. On this one of the boy fired at them and his father also fired twice in the air from his licensed revolver. Said boys managed to escape leaving behind said Mahindra Pickup. On counting 106 bags containing wheat were stolen. Each bag contains 50 kg of wheat. From the said Mahindra Pickup mobile phones and other documents were recovered.

3. Learned counsel for petitioner argued that no offence under Section 457 IPC is made out. He is being falsely implicated in this case. He is ready to join the investigation. Other co-accused have been granted regular bail. Therefore, his bail application may be allowed.

4. Status report is filed. Anticipatory bail application filed by the petitioner is opposed. During supplementary statement of complainant, other accused were named. Accused Jagir Singh @ Jagga and Kapil @ Kappey were arrested and during their interrogation present petitioner was specifically named. Considering the gravity of offence, petitioner is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. It is clear from the status report that other co-accused Kapil @ Kappey and Jagir Singh @ Jagga were granted regular bail by the Court of learned Judicial Magistrate 1st Class, Ferozepur. So far as petitioner is concerned, he is yet to join the investigation. Recovery of stolen articles is yet to be effected. As per status report, present petitioner is involved in two other FIRs. Considering this factual position, I do not find a fit case for grant of anticipatory bail and the same is, accordingly, declined.



6. My observations are made for the disposal of this petition and it will have no bearing on the merits of case.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

13.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No