



285

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

CRM-M-39875-2024 (O&M)

Date of Decision:- 16.09.2024

MIRZA ALI AND ORS

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.K. Chaudhary, Advocate for petitioners.

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

AMARJOT BHATTI, J. (Oral)

1. Petitioners – Mirza Ali, Farman Hussain @ Varman Ali and Shef Ali have filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.37 dated 02.07.2024 under Sections 353, 427, 186 of IPC registered at Police Station Narot Jaimal Singh, District Pathankot.

2. Brief facts of the case are that ASI Kulwinder Singh stated that he was on night duty at naka Kohlian Police Station Narot Jaimal Singh. As per daily routine, on the intervening night of 29/30.06.2024 he along with the police party was checking the vehicles. At about 11.55 pm a silver coloured Zen car came from the side of Narot Jaimal Singh. Driver of the car was signalled to stop with the torch for checking of vehicle but he

managed to escape after breaking the barricades installed by the police

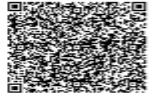


party. Officials tried to control the vehicle but it could not be caught. Later, on enquiry he came to know that said Zen car was bearing No.PB-08-AN-3333 which was driven by Shokat Ali and other persons sitting in the car were Farman Ali, Saif Ali and Mirja Ali. With these allegations, present FIR has been registered.

3. Learned counsel for petitioners argued that present petitioners were allegedly sitting in the car which was driven by Shokat Ali. There is delay in lodging the FIR. No recovery is to be effected from them. Main accused has been arrested and car is also taken into police possession. They are ready to join the investigation as and when required by the police. Therefore, their anticipatory bail application may be allowed.

4. Detailed status report has been filed opposing the bail application. It is pointed out that Shokat Ali was arrested on 10.07.2024 and Zen car was taken into police possession. In his disclosure statement he has named the other co-accused. Present petitioners have committed serious offence. Therefore, they are not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Main accused who was allegedly driving the car, namely Shokat Ali, has been arrested by the police and the car is also recovered. Therefore, no further recovery is to be effected from the present petitioners. They are ready to join the investigation. Considering the aforesaid facts and circumstances of the case, anticipatory bail filed by petitioners is allowed. In case petitioners are arrested, they be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioners will join the investigation as and



when required. They will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438 (2) Cr.P.C.

7. The petition is accordingly accepted.

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

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

16.09.2024

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No