

Barun Sharma Vs. State FIR No.107 of 20.7.2019
U. Sections: 454,380,411 IPC
PS Sadar, Hoshiarpur.

Present: Sh. Vaneesh Rai Adv. Counsel for the applicant
Sh. Manoj Kumar Addl. PP for the State.

1. Police record produced. The learned counsel for applicant sought interim anticipatory bail to the applicant on the ground that the applicant has been falsely implicated in this case. He further argued that the alleged occurrence took place on 17.7.2019 and the statement was recorded on 20.7.2019 of the complainant after delay of three days. The recovery of alleged Santro car has already been effected. The applicant has not committed the alleged offence. He further contended that the applicant undertakes to abide by all the conditions of bail if he is released on interim anticipatory bail and prayed for grant of interim anticipatory bail to the applicant.

2. On the other hand learned Addl. PP for the State opposed the arguments of learned counsel for the applicant and further argued that the applicant has committed a grave offence and is not entitled for interim anticipatory bail.

3. I have heard the learned counsel for the applicant as well as learned Addl. PP for the State and have gone through the contents of the FIR. As per the contents of the FIR, on 17.7.2019 the complainant was present at her house. At about 2:30 PM, Gopi who is daughter of her sister in law Ikvinderjit Kaur alongwith 4/5 unidentified persons entered into her house. Complainant raised alarm. Out of them, two persons caught hold her and two persons entered into her house and remaining persons started her Santro car and took the same with them. While going they

threatened the complainant. The complainant can identify the persons who accompanied Gopi.

4. I have carefully gone through the documents placed on record. The present case has been registered against the applicant under Sections 454,380,411,120-B IPC. The co-accused of the applicant have already been released on bail. The applicant is not named in the FIR. Moreover from the documents placed on record, at this stage it clearly appears that certain civil dispute between the parties are pending. The role and liability of the applicant will be seen during the trial and not at this stage. In **Ravindra Saxena Vs. State of Rajasthan (201) 1 SCC 684** it has been held that anticipatory bail can be granted at any time so long as the applicant has not been arrested. Hence at this stage, it is a fit case in which interim anticipatory bail can be granted to the applicant. Therefore, without commenting on merits of the case, the applicant is directed to join the investigation within 5 days from today and in the event of his arrest, he will be admitted to interim anticipatory bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the SHO/ Investigating Officer of the case subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

Now to come up for arguments on bail application on 16.09.2019.

Record be also produced on the date fixed.

Pronounced in open Court

Dated : 09.09.2019

(Anil Kumar JW)

(RK Khullar)

Additional Sessions Judge,

Hoshiarpur.

(UID No.PB-0215)

