

Bail Application No. 2332/2018
CNR Number : PBJL010074612018
Instituted on : 10.05.2018
Date of Order : 17.05.2018

Brijesh Sareen alias Banku Vs State of Punjab

Present: Shri B.B.Sekhri, counsel for the applicant/
accused
Shri M.L.Bathla, Addl.P.P. for the state.

1. Arguments on anticipatory bail application moved by applicant/accused Brijesh Sareen @ Banku son of Shri Mohinder Sareen, resident of House No. WT-73, Basti Sheikh, Kot Mohalla, Jalandhar under section **438 Cr.P.C.** in this case bearing FIR No.127 dated 26.07.2017 under section 379-B/34 of Indian Penal Code, registered at Police Station Division No.5, Jalandhar.

2. As per prosecution version present case has been registered on the statement of one Vishal son of Shri Udhey Narayan resident of Basti Bawa Khel, Jalandhar who in his statement has stated to the police that he is studying in Plus two in Parwati Jain School. On 20.07.2017 at about 06.20 P.M. as usual, he was coming back to his house after his tuition and when he reached opposite to Vishal Tool Factory,

three unknown persons who were on motorcycle came to him and snatched his mobile phone marka Oppo-A37 and run away from the spot.

3. Learned counsel for applicants/accused has raised point that applicant/accused is not named in the FIR and the police is raiding to arrest the applicant/accused, though he has no concern with the commission of occurrence alleged in the present case.

4. Police record has been produced and perusal of same shows that co-accused Sunny Gill had made disclosure statement regarding commission of offence of present occurrence along with co-accused in case FIR No.112 dated 26.07.2017 under Section 379/411 IPC of Police Station Division No.2, Jalandhar. I have gone through the said disclosure statement of co-accused Sunny Gill recorded by the police in FIR No.112 referred to above, but perusal of same reveals that regarding occurrence of present case, he has not named present applicant/accused. Since co-accused has not named, present applicant/accused, in his disclosure statement, in my opinion, present case is fit case where he can be granted concession of pre-arrest bail. So, at this stage

without commenting on merits applicant/accused Brijesh Sareen alias Banku is directed to join the investigation within 7 days from today and in case he appears before the Investigating Officer for joining the investigation, Investigating Officer shall release him on interim bail to his satisfaction subject to the condition that :

- (a) applicant/accused shall make himself available for interrogation by a police officer as and when required;
- (b) applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (c) applicant/accused shall not leave the country without prior permission of the Court.

Now to come up on 31.05.2018 for awaiting report of Investigating Officer regarding joining of investigation by the applicant/accused and arguments on bail application. Police record be sent back.

Pronounced:
Dated:17.05.2018

(Preeti Sahni)
Addl. Sessions Judge,
Jalandhar
[UID No. PB0078]

Onkar Chand