

Saurabh Aggarwal Vs. State of Punjab & ors.
B.A. Filing ID No. 1430-2023
CNR No. PBSA01-003808-2023

FIR no. Not Known, dated: Not known
under Sections: Not known
P.S. Sohana, SAS Nagar, (Mohali).

Bail application under Section 438 Cr.P.C.

Present: Sh. Ashok Bhardwaj, Adv, counsel for accused/applicant
Sh. R.S. Jauhal, Addl. PP for the State
Sh. R.P.S. Bara, Adv, counsel for complainant.

1. Applicant/Accused namely Saurabh Aggarwal aged 35 years son of Late Sh. R.K. Aggarwal, resident of House No. 1258, Sector 21-B, Chandigarh, has sought pre-arrest bail under Section 438 Cr.P.C.

2. Notice of the application was given to the State. Learned Addl. PP for the state put in appearance. Sh. R.P.S. Bara, Advocate filed Vakalatnama on behalf of the complainant.

3. Today, Sr. C. Davinder Saini, No. 1059/SAS Nagar, now posted as Staff to DSP, City-2, Mohali, has come present and suffered a separate statement to the effect that application Mark-A moved by Rahul Bhasin against Saurabh Aggarwal is pending for inquiry and till today no FIR has been registered on the said application.

4. Learned counsel for the accused/applicant argued that the police can register the case against the accused/applicant and he has apprehension that he can be arrested.

5. On the other hand, the learned Additional Public Prosecutor

for the state argued that only complaint is pending against the accused/applicant. Till date, no FIR has been registered against the accused/applicant, as such, the present bail application be dismissed being infructuous.

Learned counsel for the complainant argued that the accused/applicant is not entitled for bail. He prayed that the present bail application be dismissed.

6. From the submissions of the learned counsel for the applicant, learned Addl. PP for the state and from the perusal of the record, it is clear that no FIR has been registered against the accused/applicant. Only one complaint moved by complainant Rahul Bhasin is pending, as such, the present bail application is dismissed being infructuous. However, two days notice should be given prior to the arrest of the accused but this Court is also considered view that if the accused is involved in any cognizable and non bailable offence, the police is at liberty to proceed further as per law. Bail application file be consigned to the Record Room.

Pronounced.
12.05.2023

Bhupinder Singh
Stenographer-II

(Avtar Singh)
Addl. Sessions Judge.
S.A.S. Nagar, (Mohali).
(UID No. PB00086)