

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-26901 of 2015

Date of Decision: September 18, 2015

Varinder Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Krishan Singh Dadwal, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.46 dated 26.06.2015 under Sections 323, 341, 427, 506, 294, 148, 149 and Sections 109, 356, 379, 379-A, 382, 440 and 451 IPC (added later on), registered at Police Station Naya Gaon, District SAS Nagar.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the FIR which was got registered by Raghubir Singh complainant, 25-30 men and women of Maali Colony after

uprooting the fencing from the plot of complainant were getting done the outflow of water. Then these persons started pelting brick bats towards complainant and he saved his life by running and reached near the house of Jaspal Singh but the passage was ending there and a toilet was being constructed there. All those persons surrounded the complainant and started pelting brick bats towards him and torn his clothes and also snatched the chain worn by him. Rekha, who was having *kirch* in her hand, hit the finger adjoining little finger of his right hand.

In the FIR, no active role has been attributed to the petitioner. The only allegation is that all this has been done on the instigation of the present petitioner.

The petitioner has joined the investigation. He is not required for any investigation or interrogation purpose nor anything is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted and the order dated 13.08.2015 granting interim bail to the petitioner is made absolute.

September 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE