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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35846-2017 (O&M)
Date of decision: - 3.10.2017

Prabhjot Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 99 dated 21.7.2017 under Sections 379-B, 341, 323, 324, 148, 149 IPC, later on added under Section 326, 120-B IPC, registered at Police Station Kot Ise Kha, District Moga.

Learned counsel for the petitioner submits that petitioner is in judicial lock up since 26.7.2017. He further submits that as per the allegations in the FIR, he was not named though he is resident of same place.

It is further submitted that perusal of the FIR shows that two of the co-accused namely *Gabbar Singh and William* have been named in the FIR with specific allegations regarding causing of the injuries and the petitioner has been involved in the case on the basis of supplementary statement recorded by the complainant-Palwinder Kumar with the allegation that on the asking of one Lovedeep Sharma, on taking an amount of ₹ 50,000/-, petitioner along with aforesaid co-accused has caused injuries to the complainant.

It is further submitted that Lovedeep Sharma has already been granted concession of interim anticipatory bail vide order dated 11.8.2017 in CRM-M-29687-2017, Lovedeep Sharma vs. State of Punjab. He further submits that petitioner is no more required for any further investigation which is stated to be pending, however, no recovery has been effected from the petitioner.

On the other hand, learned State counsel, on instructions from ASI Balbir Singh, has opposed the grant of bail on the ground that investigation is pending; challan has already been prepared and the same will be filed in the Court in due course. Learned State counsel further submits that presence of the petitioner has been found as per the CCTV footage.

In reply, learned counsel for the petitioner submits that there is no CCTV footage, in which the petitioner was shown to be causing injuries to the complainant.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Moga.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

3.10.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No