

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-26714 of 2018 (O&M)
Date of Decision: July 26, 2018**

Maghar Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rakesh Sharma, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner (s).

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. L.S. Lakhanpal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.63 dated 29.03.2018 registered for the offence punishable under Sections 458, 323, 341, 506, 148 read with Section 149 of Indian Penal Code, at Police Station Civil Lines, Patiala.

Heard.

Learned State counsel on instructions from ASI Baljit Singh submits that petitioner has not been attributed any injury and has joined the investigation, which is still in progress but his custodial interrogation is no more required for the purpose of further investigation.

Learned counsel for complainant submits that though the

petitioner has not been attributed any injury but he was part of the unlawful assembly, which entered the house of complainant and the police is protecting him by not arresting him.

As per allegations in the FIR, Sandeep accompanied by some other persons including the petitioner, entered the house of complainant and damaged the doors and other household articles. Role attributed to the petitioner is that he along with Mandeep Singh caught hold of complainant, who suffered injuries on the back of his head, left arm and back.

The matter is still under investigation and as per submission of learned State counsel, petitioner is no more required for the purpose of further investigation. Keeping in view the nature of allegations levelled by the complainant and the submission of learned State counsel but without expressing any opinion on the merits of the case, this petition is allowed and order dated 26.06.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 26, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No