

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

CRM-M-43641-2018
Date of decision:11.10.2018

Alish @ Alishah Marwaha

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.53 dated 12.07.2018 under Sections 323, 341, 506 of Indian Penal Code, 1860 (Sections 452 of Indian Penal Code, 1860 added later on), Police Station Tibba, Ludhiana.

The FIR was lodged at the instance of complainant-Manjit Singh wherein it has been alleged that on 11.07.2018 when he was sitting outside his house, then 6-7 boys came there and started throwing bricks towards him and in order to save himself, he ran away and entered his house and the said boys followed him and threw bricks upon him. It is further stated therein that upon inquiries made by him at his own level, he came to know that two persons out of 6-7 assailants are Abhishek and Alish Kumar and that from their interrogation the identities of the remaining assailants can be found out.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR the complainant had not sustained any injury and that in the present case it is subsequently that offence under Section 452 of Indian Penal Code, 1860 has been added, which is non-bailable, simply to harass the petitioner.

On the other hand, learned State counsel has submitted that the petitioner had applied for grant of anticipatory bail before the Court of Additional Sessions Judge, Ludhiana, but after he had been granted interim bail, he indulged into identical offence on 14.07.2018 and learned Additional Sessions Judge while noticing said fact had dismissed the said application. It has thus been prayed that in view of the conduct of the petitioner, no case for grant of anticipatory bail is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that no person was injured in the present case, although the allegations are to the effect that 6-7 boys had attacked the complainant and thrown bricks upon him, I do not find that it is a case of custodial interrogation. As regards the allegations that after grant of interim bail by the Court of learned Additional Sessions Judge, the petitioner was involved in an identical offence on 14.07.2018, I find that the FIR in respect of the said occurrence is stated to have been lodged after about fifteen days. Without commenting upon the veracity of the allegations in respect of the aforesaid FIR and bearing in mind the facts and circumstances, especially that nobody was injured in this case, the

petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

11.10.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**