

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44513 of 2018

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Date of decision:16.10.2018

Jaswant Rai Aggarwal

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. P.S. Ahluwalia, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.0021 dated 13.3.2018
registered for the offences under Sections 323, 341, 506, 436 and 511 IPC at
Police Station Kotwali Nabha, District Patiala.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and Mr. P.S.
Ahluwalia, learned Advocate appeared for the complainant and contested
this petition.

I have heard learned counsel for the parties as well as learned

State and have gone through the record.

From the record, I find that firstly, complainant Vinod Kumar Modi got recorded statement vide DDR No.017 dated 11.3.2018 to the effect that Jaswant Rai Aggarwal started hurling abuses to him when he was crossing the street in front of his house and Jaswant Rai Aggarwal assaulted with Dang on his head. Statement of applicant Jaswant Rai Aggarwal was also recorded vide DDR No.18 on the same day wherein he stated that the complainant accompanied by Ashok Kumar Goel and others forced their entry into his house and assaulted him and they further threatened to kill him. The matter was inquired into and formal FIR was registered against complainant Vinod Kumar Modi and his companions. Again a cross-version was registered against the present petitioner for the offences under Sections 323, 341, 506, 436 read with Section 511 IPC. The allegation in the present case is also that the accused-petitioner sprinkled diesel in front of the house of Vinod Kumar Modi on the door for setting it at ablaze.

The petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 8.10.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so

and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 16, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No