IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40043-2018
Date of decision:19.03.2019

Master Rohit

....Petitioner

Versus

State of Punjab

.....Respondent

****

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

****

Present: Mr. Vikas Arora, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

****

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.97 dated 15.07.2018 under Sections 452, 323, 506, 149 of the Indian Penal Code, Police Station B-Division District Amritsar.

2. The FIR in question was lodged at the instance of Amarjit Singh and wherein it has been alleged that on 11.7.2018 when his mother Balwinder Kaur and his father Mohinder Singh were present at home, then a dog kept by their neighbour came inside their house and when his parents objected to the same, the owner of the dog namely Rajinder @ Raju and his wife Rani hurled abuses and caused injuries to his mother. It is further alleged that later at 10:25 p.m. petitioner-Master Rohit accompanied by his father Rajinder @ Raju and 7-8 other unidentified persons came on motorcycles and

GAURAV SOROT
2019.03.20 09:39

Rajinder @ Raju and Rohit raised a '*Lalkara*' exhorting their companions to teach the complainant a lesson upon which Rajinder @ Raju and Rohit &7-8 other persons caused injuries to the complainant by giving fist and kicks blows and tore his shirt and removed his turban and brought him in the street and gave beatings.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in any case the petitioner is a juvenile being aged less than 18 years and his date of birth is 24.01.2001. It has further been submitted that since the parents of the petitioner have already been granted bail and in these circumstances the petitioner deserves the concession of bail on the ground of parity.

4. Opposing the petition, learned State counsel has submitted that role attributed to the petitioner cannot be said to be at par with his mother inasmuch as she was not present when the petitioner went to the house of complainant for the second time and caused injuries. Learned State counsel has further confirmed the fact that while Rajinder @ Raju was granted regular bail, Rani has been granted anticipatory bail. It has further been informed that inquiry regarding age of the petitioner is yet to be conducted. It has also been informed that pursuant to interim directions issued on 13.09.2018, the petitioner has since joined investigation.

5. Having considered rival contentions addressed before this Court and bearing in mind the age of the petitioner and also that he has

GAURAV SOROT
2019.03.20 09:39

already joined investigation and nothing is to be recovered from him, in my opinion, I find that it is a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 13.09.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.

6. The petition is accepted in the above mentioned terms.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

19.03.2019
Gaurav Sorot

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

Whether reportable? **Yes / No**

GAURAV SOROT
2019.03.20 09:39