

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-21088-2019 (O&M)

Date of decision: 29.07.2019

Himanshu Malhotra

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None.

ANIL KSHETARPAL, J. (ORAL)

On 09.05.2019, the following order was passed:-

“Prayer in this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.5 dated 10.01.2019, registered under Sections 323, 324, 307, 148, 149, 427 IPC and Sections 25/27 of the Arms Act, 1959 (Sections 326, 452 IPC added later on) Police Station Model Town, Ludhiana.

According to the prosecution, two rival groups consisting of 10-15 persons each fought with each other. Petitioner was also a member of one of the groups at the time of occurrence.

Learned counsel contends that aforesaid FIR was registered on the basis of secret information, though, no one has approached the police. No specific role has been attributed to the petitioner. He has falsely been implicated. No recovery is to be effected from the petitioner. Compromise has also been arrived at between the parties. Co-accused of the petitioner namely Gurcharan Singh @ Rinku has already been granted regular bail, whereas, Baljinder Singh @ Rinku Thukral has been granted concession of anticipatory bail. Treating the case of the petitioner on the same parity, he may also be granted the

concession of anticipatory bail.

Notice of motion for 29.07.2019.

In the meantime, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

SI Malkit Singh, Investigating Officer, who is present in Court, has submitted that the petitioner has joined the investigation and he is not required for further custodial interrogation.

In view thereof, interim order dated 09.05.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

29.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No