

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

CRM-M-47531-2018

Date of decision:21.02.2019

Abhishek Sharma

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Labh Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.50 dated 5.10.2018 under Sections 323, 341, 379, 295, 506, 148, 149 Indian Penal Code and Section 25/27 of Arms Act, Police Station Mokhampura, District Amritsar.
2. The FIR was lodged at the instance of Jeet Singh Bhatia, Councilor wherein it has been alleged that on 5.10.2018, he was attacked by 6/7 male persons accompanied by four ladies, who abused him and also snatched his gold chain. The complainant identified four of

the persons to be Mohna, Tida, Nivraj Singh and Kanu.

3. The learned counsel for the petitioner has submitted that the FIR is outcome of a political rivalry as the complainant being Councilor has used undue influence to get the FIR lodged. It has further been submitted that the petitioner in any case is not named in the FIR and as such deserve the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that the car allegedly used by the accused for coming to the spot belongs to the petitioner. Learned State counsel has further informed that the complainant in his supplementary statement has specifically named the petitioner to be one of the accused. The learned State counsel has however informed that pursuant to interim directions issued by this Court the petitioner has joined investigation.
5. Having regard to the facts and circumstances of the case and that the petitioner has been nominated as an accused on the basis of supplementary statement and that he has already joined investigation, in my opinion, I find it to be a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 26.10.2018 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.

(3)

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6. 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

21.02.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No