

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

103

CRM-M-30911-2019 (O & M)
Date of Decision:22.07.2019

Kulwinder Singh @ Nehru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Rattniya, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.35 dated 05.06.2019 under Sections 452, 324, 323 and 34 IPC, registered at Police Station Bariwala, District Sri Muktsar Sahib as the petitioner apprehended his arrest at the hands of Police.

The prosecution case is that on 03.06.2019 at about 10.30 pm, the complainant along with one Jaswinder Singh @ Dheera and Jagdish Singh were going from the house of Sarpanch to their houses. When they reached on the turning of village Mourawali, they stood nearby cart of ice cream. Jaswinder Singh started talking with somebody. Meanwhile, Gursewak Singh passed from there and felt that they were talking about him. Gursewak Singh called his father Nehru Singh and some more person on mobile. Darshan Singh also reached there and starting abusing the

complainant. When Jaswinder Singh was going to drop the complainant to his house on motorcycle, there Gursewak Singh, Nehru Singh and Darshan Singh were standing near the Baba Jiwan Singh Gurudwara and they tried to stop their motorcycle. They after leaving their motorcycles behind, chased them. When complainant reached his house, they forcibly entered into his house and gave beatings to the complainant. Nehru was having some kind of sharp article and hit the complainant on his both biceps. Complainant raised an alarm. Upon hearing the same, neighbourhood gathered there and all the accused persons ran away from the spot along with their weapons.

Learned counsel for the petitioner contends that the petitioner was already granted interim bail vide order dated 04.07.2019 by the learned Additional Sessions Judge, Sri Muktsar Sahib and he was directed to join investigation. However, he could not join the investigation as on the same date, the compromise has been arrived at between the parties. He further submits that vide order dated 06.07.2019, interim bail granted to the petitioner stands dismissed. He also contends that vide order dated 28.06.2019, co-accused Gursewak Singh and Ravinder Singh have already been granted anticipatory bail by the learned Additional Sessions Judge, Sri Muktsar Sahib.

On the other hand, learned State counsel has opposed the anticipatory bail application of the petitioner. However, it is not disputed that the compromise has been effected between the parties, and Gursewak Singh and Ravinder Singh have already been granted anticipatory bail by the learned Additional Sessions Judge, Sri Muktsar Sahib.

Considering above, this Court is of the opinion that in the given facts, custodial interrogation of the petitioner may not be necessary.

Therefore, in the event of arrest, petitioner shall be admitted to 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. The order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

Petition is allowed.

22.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No