

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41889-2019 (O&M)

Date of Decision:-4.10.2019

Anil Kumar and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasmail Singh Brar, Advocate for the petitioners.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Surjit Singh.

GURVINDER SINGH GILL, J.(Oral)

1. Today, at the very outset, the learned counsel for the petitioners submits that he may be permitted to withdraw the present petition qua petitioner No.1 Anil Kumar.
2. In view of the aforesaid submission, the present petition is dismissed as withdrawn qua petitioner No.1 Anil Kumar.
3. In case, petitioner No.1 Anil Kumar surrenders before the trial Court within a period of one week from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably within a period of one week from filing of such application.
4. Petitioner No.2 Natish Garg has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.198 dated 16.9.2019 at Police Station City South Moga, District Moga under Sections 324, 354 and 34 of Indian Penal Code.

5. The FIR was lodged at the instance of Neelam Rani Grover, wherein it has been alleged that on 14.9.2019, when she alongwith her daughter was going to their shop on a scooty, they noticed that Anil was constructing a platform in front of the shop of the complainant without her permission. When the complainant confronted Anil about the same, he started arguing with the complainant but the complainant did not deem it proper to enter into arguments and left from that place. It is alleged that later at about 7:20 P.M., when she alongwith her daughter were leaving the market, then somebody pulled her head scarf from behind and upon which she stopped her scooty and saw that Anil was holding a '*kirpan*' in his hand and who was accompanied by his nephew, who pulled the head scarf, which was torn off. It is alleged that Anil gave blow with '*kirpan*' and when the complainant raised her arms, the same hit her arms.
6. The learned counsel for petitioner No.2 has submitted that petitioner No.2 has falsely been implicated in the present case and that, in any case, petitioner No.2 has nothing to do with the alleged dispute regarding raising of platform. It has further been submitted that even as per the FIR, it is the co-accused Anil Kumar, who was armed with a 'sword' and who had allegedly inflicted injuries to the complainant.
7. Opposing the petition, the learned State counsel has submitted that since petitioner No.2 is specifically named in the FIR and had pulled the head scarf of the complainant, no case for grant of bail is made out.
8. Having considered rival submissions addressed before this Court and while noticing that it is the co-accused, who was armed with '*kirpan*' and who is attributed some injuries, in my opinion, the present case is not such, which

would warrant custodial interrogation of petitioner No.2. The petition, as such, is accepted. In the event of arrest, petitioner No.2 is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, petitioner No.2 shall join the investigation 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.

4.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No