

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M- No. 6622 of 2020

Date of decision: 03.03.2020

Deepak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.P.S.Rahi, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

...

RAJ MOHAN SINGH, J. (Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.0106 dated 23.12.2019 under Sections 307, 323, 506, 148, 149 IPC, registered at Police Station Nayagaon, District Mohali.

As per allegations in the FIR, the occurrence took place on 21.12.2019, when there was a birthday party of a child in the house of Tarun. Allegations are against Karan S/o Kuldeep Singh that he was following the cousin sister of complainant and he was advised not to do so. Thereafter, Karan stopped talking with the complainant. In the party at the house of Tarun, Karan and his friends also came. At about 10.00 p.m., brother of complainant, namely, Uday and his father came to their house.

When the complainant alongwith his brother was standing in the

street then Karan along with his friends Deepak and Tarun raised lalkara. They caught the complainant and his brother. Karan gave knife blows in the stomach of Uday at various places. Bother of the complainant was smeared with blood and he fell down. Tarun and Deepak gave punch blows on the head of complainant. As per medico-legal report of Uday, there is no injury on the head of injured. The allegations are that the petitioner along with Tarun inflicted punch blows on the head of the complainant.

Learned State Counsel, on instructions from ASI Jasbir Singh, states that complainant/Prabhat was not medico legally examined.

Since the petitioner is not author of injury on the person of Uday, therefore, his complicity vis a vis. the offence under Section 307 IPC would remain debatable.

In view of above said facts, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 06.03.2020 and in the event of his arrest, he shall be granted anticipatory bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

03.03.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No