

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

CRM-M No.12024 of 2020
Date of decision: 12th May, 2020

Malkit Singh @ Bhapla

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Allegations against the petitioner Malkit Singh in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.57 dated 14.03.2020 under Sections 307, 353, 186, 427, 148, 149 IPC and Section 25/27/54 of Arms Act pertaining to Police Station City-II, Mansa, as divulged before this Court are that earlier on the statement of one Vandana Rani a case was got registered against the present complainant party for murder of Chander Mohan wherein FIR No.56 dated 14.03.2020 (Annexure P2) had come about. It is simultaneously on the statement of the SI/SHO in charge the present case was got registered against the petitioner Malkit Singh alias Bhapla and others alleging that

on the day of occurrence i.e. 13.03.2020 around 3.45 p.m. while police had received information and arrived at the office of Zila Parishad, Mansa one Bolero vehicle bearing registration No.PB 31-7777 crossed the police vehicle followed by one Ertiga car which was being driven by a young boy accompanied by two other youths. When the police party tried to stop the vehicles, the youth hit the vehicle of the police leading to registration of the present case.

Learned counsel for the petitioner Mr. Bhupinder Ghai, Advocate inter alia contends that it is a concocted version put up by the police under influence as earlier a case was got registered against the present complainant (Annexure P2) by the petitioner side and that it is a non-injury case and nothing is to be recovered.

On behalf of the State, Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab has not controverted the facts brought before this Court but has sought to stoutly oppose the grant of bail on the grounds that custodial interrogation is very much essential.

Appreciating the submissions of the two sides, admittedly it is a non-injury case. On perusal of the plain version put up by the police, a debatable issue arises over the very applicability of Section 307 IPC which can only be adjudicated at the trial. No useful purpose will be served by sending the petitioner behind bars and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15

days from the date of receipt of certified copy of this order and on his doing so the petitioner shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he will abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 12, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No