

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

**CRM-M-13007-2020 (O&M)
Date of Decision:22.07.2020**

Arvinder Singh @ Ravinder Singh @ Happy

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Gursharan Kaur Mann, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. Seeking concession of anticipatory bail to the petitioner in FIR No.0036 dated 16.03.2020 under Sections 326, 452, 341, 323, 324, 148 and 149 IPC registered at Police Station Jandiala, District Amritsar Rural.

While issuing of notice of motion, the following order was passed by this Court on 27.05.2020:-

On account of outbreak of covid-19 the instant matter is being taken up through video conferencing.

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioners in FIR No. 0036 dated 16.3.2020 for the offences under Sections 326,452,341,324,148,149 IPC at Police Station Jandiala, District Amritsar Rural.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the basis of a fabricated and concocted version. The occurrence allegedly took place on 10.3.2020 and the FIR in question was lodged on 16.3.2020 after a delay of six days which clearly indicates that an improved version was brought forth by the complainant party. It has been further urged that the instant FIR is a counter blast to a complaint moved by the co-accused against the complainant party. The petitioner who was alleged to be armed with a base ball at the time of the alleged occurrence has been attributed a blow on the right side of the head of the injured. The said injury was declared to be simple in nature by the doctor. The grievous injury received by the injured is not attributed to the petitioner. It has been submitted that the petitioner is ready to join the investigation and co-operate with the investigating agency.

Notice of motion for 22.7.2020.

On the asking of the Court Ms. Samina Dhir, DAG., Punjab accepts notice.

Meanwhile, petitioner is directed to join the investigation and appear before the investigating agency/Investigating Officer. On his appearance, he shall be released on interim bail to the satisfaction of arresting/investigating officer. The petitioner shall, however, join the investigation as and when call for and shall abide by the conditions specified under Section 438(2) Cr.P.C

Thereafter on 23.06.2020, the following order was passed:-

Due to the outbreak of COVID-19 pandemic, the case is taken up for hearing through video conferencing.

The present application has been filed for addition of Section 382 IPC in the petition CRM-M-13007-2020 as well as in the orders dated 27.05.2020 of this court vide which the petitioner was granted interim bail.

Learned counsel contends that Section 382 IPC was added subsequently by the police as is evident from the copy of the FIR in question which was annexed with the petition CRM-M-13007-2020 for grant of anticipatory bail moved by the petitioner. She further contends that even otherwise no offence under Section 382 IPC is made out from the contents of the said FIR.

Notice of the application for the date fixed i.e. 22.7.2020.

Interim bail already granted in CRM-M-13007-2020 to continue. Meanwhile, the petitioner would continue to join investigation as and when called upon to do so by the investigating agency/officer. The petitioner shall abide by the conditions specified under Section 438 (2) Cr.P.C.

On the adjourned date, the investigating officer shall remain present in the court along with the original police file of the case including the FIR in question for perusal of the court.

Mr. Gaurag Garg Dhuriwala, learned Sr. DAG, Punjab, upon

instructions from ASI Balkar Singh, informs the Court the petitioner himself joined investigation.

That apart the observations contained in the notice of motion order dated 27.05.2020 have not met with any rebuttal.

In view of the above petition is allowed. Orders dated 27.05.2020 as also 23.06.2020 are made absolute.

Pending application(s), if any, shall also stands disposed of.
Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 22, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No