

Date of decision: 01.06.2020

....Petitioner

....Respondent

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Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioners.

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

Mr. Dhruv Dayal, Senior DAG, Punjab puts in appearance
on behalf of the State on his own.

This order shall dispose off two anticipatory bail applications, one filed by Satnam Singh and the another one filed by Sukhchain Singh s/o Satnam Singh, under Section 438 Cr.P.C. having arisen out of the same FIR No.46 dated 26.03.2020 under

Sections 186, 188, 353, 341, 427, 332, 146 and 149 of the Indian Penal Code (Section 333 added later on) registered at Police Station City South, District Moga got registered by HC Kanwaljit Singh.

The allegations are that on 25.03.2020, when the complainant was coming on his car for an official duty, 10/12 persons stopped his car and started thrashing him on the grounds that the complainant was instrumental in hitting his car on Amanpreet Singh, nephew/cousin of the petitioners, whose leg was fractured. The role assigned to the petitioners is that they have raised *lalkara* for catching hold of the complainant and consequent upon which, other co-accused assaulted the petitioners giving a *kirpan* blow on his right leg.

Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated and that there is no specific role attributed to them in the commission of offence except of having given a *lalkara* and they were unarmed and rather, have sought to take refuge to the Medico-Legal Report of Amanpreet Singh (Annexure P-2) to show that it was a road rage case and that the false case has been got registered by the complainant by misusing his official position as police official and that nothing is to be recovered from the petitioners.

The learned State counsel has strongly opposed the grant of bail on the grounds that a *kirpan* blow has been given on the right leg of the complainant by one of the accused and that all the

accused comprising of 10/12 persons have colluded and assaulted the complainant and are not entitled to any relief.

Be that as it may, apparently, Amanpreet Singh as per the Medico-Legal Report has suffered a right leg fracture out of road side accident. The petitioners, as per the stand of the State, are unarmed and the only role attributed to them is given *lalkara* and nothing is to be recovered from the possession of the petitioners.

This Court is of the opinion that it would be a travesty of justice to send the petitioners in custody in the present case and their joining the investigations would suffice the purpose. Accordingly, the petitioners are 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 their doing so, they 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 petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petitions stand disposed off accordingly.

01.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No