

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

CRM-M-13436-2020 (O&M)
Date of Decision:- 8.7.2020

Sanjeev Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.B.S.Mann, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.252, dated 6.12.2019, Police Station City Malout, District Sri Muktsar Sahib, under Sections 323, 324, 506, 148, 149 IPC, wherein offence under Section 326 IPC has been added later on.
2. The FIR in question was lodged at the instance of Kamaldeep Singh wherein it has been alleged that on 5.12.2019 when he was present in

his college along with his friends, then Sonu armed with a 'sword', Sanjeev Kumar (petitioner) who was carrying a brick, Gagandeep armed with '*gandasa*' Mankirat Singh armed with '*danda*', Vishnu armed with 'hockey stick' accompanied by 10-12 unknown persons who were also armed with sticks attacked them. It is alleged that the petitioner raised alarm exhorting his companions to teach the complainant a lesson for having beaten Gagandeep and consequently Mankirat gave a push to the complainant and Gagandeep inflicted a blow with '*gandasa*' on the left side of the head of the complainant and Sonu also gave a blow with 'sword' on the arm of left hand of the complainant.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case solely on the count that he happens to be father of Sonu (co-accused). It has further been submitted that it is a case of cross-version where Sonu as well as Gagandeep had also sustained injuries in respect of which DDR No.47 dated 6.12.2019 was registered.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and is alleged to have raised *lalkara*, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this court. Given the fact that the petitioner is attributed a *lalkara* only and was allegedly carrying a brick and was not carrying any lethal weapon and also that it is a case where some of the accused have also sustained injuries and that the petitioner has already joined

investigation, the petition merits acceptance and is hereby accepted and interim directions issued vide order dated 1.6.2020 are made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

July 8, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No