

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13810-2020(O&M)

Date of Decision: 16.07.2020

Hari Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.B.S. Dhillon, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking concession of anticipatory bail to the petitioner in case F.I.R. No.56 dated 06.05.2020 under Sections 148, 307, 323, 506 IPC read with Section 149 IPC, registered at Police Station Sadar, District Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 3.6.2020:-

“Case has been taken up for hearing through Video Conferencing.

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to petitioner in case F.I.R. No.56 dated 06.05.2020 under Sections 148, 307, 323, 506 IPC read with Section 149 IPC, registered at Police Station Sadar, District Ludhiana.

Learned counsel for petitioner inter alia contends

that though petitioner is resident of the same village as that of complainant/injured but he has not been named in the FIR. He further submits that a bare perusal of allegations as set up in the FIR, injuries on the persons of Kulwinder Singh (complainant) and Gurmit Singh have been attributed to co-accused namely Hardeep, Sukhdev, Ravi and Boota Singh. He further submits that even otherwise no specific role has been attributed to the petitioner in the cause of alleged incident. He further submits that injured namely Kulwinder Singh and Gurmeet have already been discharged from the hospital. He further submits that though petitioner has no nexus whatsoever with the alleged incident but he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to furnish detailed reply. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 16.07.2020.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 but he is directed to furnish the surety bond on culmination of nationwide lockdown due to COVID-19.”

Learned State counsel upon instructions from ASI Sukhpal Singh informs the Court that the petitioner has since joined the investigation. That apart the observations made by this Court in the notice

of motion order have gone unrebutted.

In view of the above, instant petition is allowed. Order dated 3.6.2020 passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.07.2020

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