

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

CRM-M-16541-2020 (O&M)

Date of decision : 05.08.2020

Nasar Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

On 26.06.2020, the following order was passed by this Court:-

“The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petitioner has approached this Court being aggrieved of order dated 06.06.2020 passed by Additional Sessions Judge, (Exclusive Court for Heinous Crimes Against Women), Patiala, rejecting the prayer for anticipatory bail in case FIR No. 106 dated 23.5.2020 registered under Section 458, 323, 506 read with Section 34 IPC Police Station Sadar Nabha.

Learned counsel for the petitioner submits that the petitioner has only being named in the FIR. He was not armed. No injury was attributed to him. He further relies upon the order of this Court dated 18.06.2020 passed in CRM-M-14649-2020 whereby pre-arrest bail of the co-

accused has been made absolute.

Learned State Counsel opposes the grant of pre-arrest bail. He submits that Section 325 IPC was added lateron in the FIR. However, he was not able to dispute the fact that the petitioner was unarmed and no injury has been attributed to him.

Considering the facts and circumstances in totality and the contention that the petitioner was unarmed and no injury was attributed, interim bail is granted to the petitioner subject to joining the investigation within two weeks . He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C.

Put up on 5th August 2020.

It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.”

Learned counsel for the State, on instructions from ASI Gurbachan Singh, has submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation, at this stage.

Hence, the order dated 26.06.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

05.08.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No