

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

CRM-M-17211 of 2020.

Decided on:- September 24, 2020.

Dharminder.

.....Petitioner.

Versus

State of U.T., Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Manish Jain, A.P.P., U.T., Chandigarh.

HARI PAL VERMA, J. (Oral)

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

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.78 dated 18.05.2020 under Sections 332 and 353 read with Section 34 IPC registered at Police Station Sarangpur, Chandigarh.

The aforesaid F.I.R. was registered against the petitioner on the statement of HC Lakhwinder Singh, who was deputed at Police Station Sarangpur, Chandigarh. As per the F.I.R., during the lockdown duty while on patrolling, when HC Lakhwinder Singh along with fellow police constable had reached near Jallander Dairy, he noticed that many persons were gathered there. One lady Bala resident of Kachi Colony, Dhanas, one Pardhan, namely, Birju and the petitioner were present there along with other persons. The

accused were instigating the people to pelt stone on them (complainant) as the police was not allowing them to go outside because of COVID-19 pandemic. Facing this situation, the matter was reported to the SHO Police Station Sarangpur and after some time, SHO along with fellow police officials reached the spot at Kachi Colony, Dhanas. Seeing the police party, accused Bala, Birju and Dharminder (present petitioner) instigated the people to pelt stone on the police and resultantly, the crowd gathered there pelted stones on the police party which injured the police personnel including the complainant.

Learned counsel for the petitioner states that pursuant to the order dated 14.08.2020 passed by this Court, the petitioner has joined the investigation.

He has further argued that the petitioner is a poor person earning his livelihood by doing labour work. He had neither instigated the crowd nor caused any hindrance to the police personnel in discharge of their official duty. In fact, the petitioner was preparing a video of the incident which the police did not like and for this reason, he has been falsely implicated in the present case.

Mr. Jain, learned A.P.P. for the U.T., Chandigarh has argued that the petitioner is the person, who instigated the crowd to attack the police and in this process, the police personnel got injuries. The police was performing duty in such a hard time on their risk, of course in the interest of people. However, he does not dispute the fact that the petitioner has joined the investigation and states that custodial interrogation of the petitioner is no more required at this stage.

I have heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, the present petition is allowed and the interim bail granted to the petitioner vide order dated 14.08.2020 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

Before parting with the case, but considering the nature of allegations against the petitioner when the police is fighting against COVID-19, it is directed that the petitioner shall approach SHO Police Station Sarangpur within a week from today with an undertaking that he will offer his services to plant ten trees and further to maintain/look after these trees for a period of two years.

Accordingly, SHO Police Station Sarangpur is directed to provide the plants and place to the petitioner within one month from today, enabling the petitioner to plant such trees. The petitioner shall plant ten trees and shall look after those trees for a period of two years. In case he fails to maintain those trees during the aforesaid period, the SHO would be at liberty to move an appropriate application before this Court for further action.

September 24, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No