

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17962-2020(O&M)

Date of decision: 05.08.2020

Mukul

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ankur Bansal, Advocate for the petitioner
Mr. V.G.Johar, Sr. DAG, Punjab
Mr. J.S.Lalli, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

On 8.7.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.13 dated 6.2.2020 registered under Section 323, 324, 427, 451, 148, 149 IPC and Section 307 IPC added later on at Police Station Cantt., District Jalandhar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jalandhar in para 5, which is extracted as under:-

“5. The brief facts of the prosecution case are that the present F.I.R. has been registered on the statement of Sandeep Kumar, son of late Brij Lal, R/o H.No. 86,

Street No. 5, Master Mahinga Singh Colony, P.S. Jalandhar Cantt. As per his statement that on 06.02.2020 at about 12:05 PM he was present at his shop alongwith Vishal, Vicky and Rohit, when Vishal came out from the shop and saw that 4-5 persons were abusing with Vishal and on raula, he also came out from the shop to sort out the dispute and on his intervention, they all left the spot and went towards Deep Nagar. After 5-7 minutes, they along with other unknown persons again came in car and motorcycle in front of his shop, when the complainant collecting the money which was about Rs.48,000/- ,snatched the said amount and also damaged his shop. When the complainant and Vishal came out from the shop and objected the same, then they caused injuries to them and ran away from the spot. Accordingly, the FIR was registered against the accused.”

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He further submits that four persons from petitioner's side also suffered serious injuries. He further submits that the petitioner is sought to be falsely implicated.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 5.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from SI Ramesh Kumar has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 8.7.2020 is hereby made absolute.

Petition stands allowed.

05.08.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No