

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.20586 of 2020
Date of Decision: September 17, 2020

Mohammad Hussain Reja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akashdeep Miglani, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.123 dated 20.06.2020, under Sections 307, 452, 324, 427, 506, 148 and 149 IPC, 1860, registered at Police Station, Jodhewal, District Ludhiana. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.07.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

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

Petitioner seeks concession of pre-arrest bail in FIR No.123 dated 20.6.2020 registered under Sections 307, 452, 324, 427, 506, 148, 149 I.P.C at Police Station, Jodhewal,

District Ludhiana.

FIR came to be registered on the statement of Dr. Rajiv Sharma in relation to an alleged occurrence that took place on 20.6.2020. Complainant alleged that while he was sitting in his clinic, 8/9 unknown young boys carrying iron rods and sharp edged weapons gained forcible entry and assaulted him.

Counsel would argue that name of the petitioner does not figure in the FIR. He is sought to be implicated on the disclosure statement of co-accused Kunal.

Mr. Gaurav Garg Dhuriwala learned Sr. D.A.G., Punjab, who has also joined proceedings on instructions from ASI Surinder Kumar informs the Court that as per disclosure statement of co-accused Kunal, the present petitioner was stated to be armed with a Dah even though, no specific attribution has been made. Learned State counsel further informs the Court that the complainant has suffered four injuries but none of them has been opined to be grievous in nature.

Prima facie there appears merit in the contention raised by counsel for the petitioner that the offence under Section 307 I.P.C whether made out under the circumstances would be debatable.

Notice of motion, returnable for 17.9.2020.

In the meanwhile, petitioner is directed to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished

requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Surinder Kumar, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.07.2020 is made absolute.

Petition stands disposed off.

September 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No