

CRM-M-20807-2020 (O&M)

Date of decision: 29.07.2020

Lovepreet Singh @ Babba

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Ms. Amarinder Kaur, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. H.S. Sullar, Senior DAG, Punjab puts in appearance and accepts notice on behalf of the official respondent-State. Copy of paper book be supplied during the course of the day.

The petitioner-Lovepreet Singh @ Babba has come up in this first anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.95 dated 02.10.2018 under Sections 341, 353, 186, 323 and 149 of the Indian Penal Code registered at Police Station Bhadaur District Barnala.

The present case was got registered on the statement of

complainant-Jaswant Singh conductor of bus bearing No. PB-04AA-2454 own by PRTC Depot Faridkot. The allegations are that on 01.10.2018 at around 04:00 PM when the bus reached the tri-junction in the area village Bhadaur and had stopped to drop the passengers, a car bearing No. PB-19-J-1590 stopped in front of the bus, out of which, 8-9 persons came out and entered the bus and assaulted the complainant by throwing him into the bus and gave him punches and kick blows on various parts of the body. In the process, when the accused were assaulting the complainant and toring his pant and shirt, the driver-Harvinder Singh intervened and in the process it is alleged that the accused ran away after the passengers and others too intervened.

Learned counsel for the petitioner *inter alia* contends that petitioner is not named in the FIR nor there is any evidence to connect him with the commission of the offence and it was a simple injury case on account of road rage and that nothing is to be recovered from the petitioner.

The learned State counsel does not dispute the facts but has opposed the bail on the grounds that accused has assaulted the public servant during the discharge of his official duties and, therefore, is not entitled to any concession of anticipatory bail.

Be so as it may, the allegations are of simple hurt and skirmish between the two sides wherein the accused has not been identified and it would be travesty of justice to send the petitioner

behind the bars as culpability, if any, would be decided at the time of trial and his joining investigation would suffice the purpose.

Accordingly, the petitioner is directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

29.07.2020

Neha

(FATEH DEEP SINGH)
JUDGE

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