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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21282-2020(O&M)
Date of decision: 25.08.2020

Komalveer Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.M.S.Atwal, Advocate, for the petitioner

Mr. Dhruv Dayal, Sr. DAG, Punjab

Mr. Umesh Sharma, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

On 31.07.2020, 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. 27 dated 27.01.2019, registered under Section 323, 341, 506, 427 & 34 IPC at Police Station Model Town, Hoshiarpur.

In brief, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Hoshiarpur in para 5 of his order dated 07.07.2020, which is extracted as under:-

“Heard. Record perused. Perusal of record shows that the First Information Report (FIR) in the instant case was lodged by the complainant Kuldeep Singh, with the allegations that on 26.01.2019, he was going to Piplanwala on his Aactiva scooter. At about 5:20 p.m., when he reached near railway line of Kirti Nagar, a lady, namely, Komalveer

stopped him forcibly and she (Komalveer) called two boys from inside, who were armed with baseball bat and danda. The boy armed with baseball bat gave baseball bat blow, which hit on left side of his head, near ear and the other boy gave danda blow, which hit on his right arm. Thereafter, Komalveer, another lady accompanying her and two boys gave internal injuries to him and damaged his Aactiva scooter. He was got admitted in Civil Hospital, Hoshiarpur, from where he was referred to PGI, Chandigarh. On the basis of said statement, initially FIR under Section 341, 323, 506, 427, 34 IPC, 1860 was registered. Thereafter, supplementary statement of complainant Kuldeep Singh was recorded on 10.02.2019, wherein, he stated that on his personal inquiry, he came to know that the lady accompanying Komalveer Kaur was Sunita and the person, who inflicted injuries upon his head with bat was Davinder Kumar @ Binder and one who attacked upon him with Davinder Kumar @ Binder with danda was Amolakveer Singh. On receipt of opinion about injuries kept under observation, offence under Section 308, 325 IPC, 1860 was added in this case. Record further shows that injury No.1 on the person of complainant is reported to be dangerous to life, if no immediate medical intervention given to the patient. Injury No. 2 on the person of complainant is also found to be grievous in nature”.

Learned counsel for the petitioner contends that it is not the case of the prosecution that the petitioner was armed or had given any specific injury to the injured/first informant.

Notice of motion.

On the request of this Court, Mr. Hittan Nehra, Additional Advocate General, Punjab accepts notice on behalf of the respondent.

In the event of his arrest, the petitioner be released on interim pre-arrest bail on his furnishing personal bonds and surety bonds to the satisfaction of the

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so. The petitioner shall also abide by the conditions as envisaged in Section 438(2) Cr.P.C.

List on 25.08.2020.”

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

In view of the above, order dated 31.7.2020 is hereby made absolute.

Petition stands allowed.

25.08.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)
JUDGE

Yes / No

Yes / No