

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

208

**CRM-M-21300-2020
Date of decision: 19.08.2020**

Manjot Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Siddharth Sharma, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed this (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.88 dated 19.04.2019 registered under Sections 307, 324, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station City, District Kapurthala.

As per the allegations in the FIR, a fight had taken place between petitioner-Manjot Singh and Amrit Pal Singh @ Amrit and Love, Pumm, Suraj, Kuldeep @ Manak, Sinder Pal and Manoj at Nanna Complex Gym on 18.04.2019. Due to injuries suffered, Amrit Pal Singh @ Amrit and Manjot Singh were admitted in Civil Hospital, Kapurthala. Harnek Singh, Sukhjinder Singh @ Sukha, Harjit Singh, Sharanjit Singh, Gola, Jagga along with 10/15 persons armed with swords, datars, dangs, sticks etc. came to Surgical Ward, Civil Hospital,

Kapurthala. In the meantime, Love, Pumm, Gurtej, Suraj, Manoj, Punjab Singh @ Punjaba and Paramvir Singh @ Rinka along with 10/15 unknown persons also came to Civil Hospital, Kapurthala armed with swords, datars, dangs, sticks, etc. After verbal exchange, they attacked each other resulting in injuries. On written information sent by Yadvinder Singh, SI, SHO, Police Station City Kapurthala, the above said FIR was registered.

While issuing notice of motion on 31.07.2020, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was admitted in hospital and was undergoing treatment at the time of alleged occurrence. No specific role has been attributed to the petitioner. The matter has also been compromised between the parties. Co-accused Sukhjinder Singh @ Sukha and Harnek Singh have already been granted bail by this Court vide orders dated 29.01.2020 passed in CRM-M-1985-2020 and CRM-M-1972-2020. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from ASI Balbir Singh, has acknowledged that in compliance with order dated

31.07.2020 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 31.07.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

19.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No