

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

CRM-M-21622-2020 (O&M)

Date of Decision:22.09.2020

Sunil Kumar @ Dhupra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aditya Pratap Singh, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

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

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.96, dated 08.05.2020, under Sections 324/506/34 IPC (Section 326 IPC added subsequently), registered at Police Station Division No.2, Pathankot, District Pathankot.

While issuing notice of motion, the following order was passed by this Court on 10.08.2020:

“Counsel inter alia submits that on 25.04.2020, calandara proceedings under Section 107/150 Cr.P.C. were initiated against Municipal Councillor namely Vishav Nath and Minakshi, who is the wife of the petitioner on account of having been caught in a compromising position. A dispute as

such had arisen, in which the petitioner was the second party and the genesis as such was the said incident. Thereafter, on 06.05.2020, the petitioner was called out of his house by Ranjit Singh, who had attacked the petitioner alongwith Surinder Kumar, the complainant and Ravi Kumar, brother of Vishav Nath. They had put a rope around his neck and tried to inflict dattar injuries on his head. It submitted that Ranjit Singh suffered the blow on his head by mistake inflicted by Ravi Kumar and the blow prior to that had fallen on the hand of the petitioner. Reference is made to Annexure P-2, the Medico Legal Report, to show the extent of injuries upon the petitioner. It is submitted that Ranjit Singh has been granted interim protection in Crl. Misc. M-21538 of 2020, now pending for 22.09.2020 on the ground that it is a cross case and the same was registered on 26.05.2020, after 20 days.

Notice of motion.

Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of the State and Mr. R.S. Manhas, Advocate puts in appearance on behalf of the complainant and opposed the interim protection.

Adjourned to 22.09.2020.

To be heard alongwith Crl. Misc. M-21538 of 2020

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Ram Lal

informs the Court that the the petitioner has since joined investigation and

is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 10.08.2020 passed by this Court is made absolute.

22.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |