

CRM-M-22055-2020

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

CRM-M-22055-2020

Date of decision: 22.09.2020

Balwinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No.120 dated 01.07.2020, registered at Police Station Sadar Ferozepur, District Ferozepur, under Sections 447, 354-B, 427, 506 and 34 IPC.

Learned counsel for the petitioner contends that the above-noted FIR was got registered after a delay of 12 days and after a period of two days of grant of stay order by the Civil Court in favour of brother of the petitioner and against the complainant. He further contends that it is a case of no injury and there is no medical record indicting any injury on the person of the complainant. He further contends that except Section 354-B IPC, all the offences are bailable. Moreover, co-accused, Narinder Singh has since been granted the benefit of anticipatory bail vide order dated 15.09.2020 passed in CRM-M-19502-2020 by a Coordinate Bench.

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Learned State counsel while opposing the prayer made in the present petition, submits that the version of complainant has been found to be true and Gurmeet Singh, an independent witness, in his statement, has also supported the prosecution version.

I have heard the learned counsel for the parties.

In view of the fact that the above-noted FIR has been registered after a period of 12 days coupled with the facts that it is a case of no injury and there is a civil litigation pending between the parties in which interim stay had been granted against the complainant, this Court finds that the petitioner is not required for custodial interrogation and, therefore, no useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

22.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No