

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22586-2020(O&M)
Date of decision : 05.10.2020

Bikramjeet Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.J.S.Bhinder, Advocate for the petitioner.

Mr.A.S.Sandhu, Addl.AG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of 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 FIR No. 143 dated 05.07.2020, registered under Sections 307/323/341/324/34 IPC (Sections 326/325/379-B IPC added later on), at Police Station Dirba, District Sangrur.

On 13.08.2020 while issuing notice of motion the following order was passed by this Court:-

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

Petitioner seeks concession of anticipatory bail in case FIR No.143 dated 05.07.2020, under Sections 307/323/341/324/34 IPC (Sections 326/325/379-B IPC added later on), registered at Police Station Dirba, District Sangrur.

FIR came to be registered on the statement of Gurbinder Singh stating that he was a para-medical doctor and was running a doctor shop at the village. One Gurpreet Singh @ Gura was on visiting terms and financial dealings had developed between them. Thereafter, Gurpreet Singh @ Gura had demanded certain amount of money which the complainant had refused. It is further alleged that Gurpreet Singh was holding a grudge and even threatened to kill the complainant. On 03.07.2020, it is alleged that when the complainant had closed his shop and was going on a motorcycle then he was intercepted by Gurpreet Singh @ Gura as also two other persons who were riding on a motorcycle. Complainant attributes to Gurpreet Singh @ Gura specific gandasi blows on his head. As regards the unidentified person, who was also on the motorcycle, a rod blow on the right leg as also on the right shoulder, right arm and right hand is attributed.

Present petitioner is sought to be implicated on the basis of a supplementary statement suffered by the complainant after about 15 days from the alleged occurrence i.e. on 19.07.2020 stating that the gandasi blows were inflicted not by Gurpreet Singh @ Gura but by the present petitioner.

Counsel argues that it is clear case of false implication. Even as per complainant's version, he had previous dealings with Gurpreet Singh @ Gura, who was well acquainted to him and with whom there was a money dispute and under such circumstances, there would be no occasion of a mistaken identity.

Notice of motion, returnable for 05.10.2020.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

Learned State Counsel, upon instructions from ASI Hardev Singh, informs the Court that even though the petitioner had joined investigation and had not cooperated in the matter, yet the challan has been presented on 15.09.2020.

In view of the above, petition is allowed. Order dated 13.08.2020 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

05.10.2020
sunita

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