

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 23289 of 2020

Date of Decision: 08.09. 2020

Anmolvir Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Manipal Singh Atwal, Advocate
for the petitioner(s).

Mr. Amit Mehta, Senior Deputy Advocate
General, Punjab for the respondent.

Mr. Umesh Sharma, Advocate
for the complainant.

Anil Kshetarpal, J.

On 25.08.2020, the following order has been passed by this

Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.27 dated 27.1.2019, registered under Section 323, 341, 506, 427 and 34 IPC (Section 308, 325 IPC added later on vide DDR No. 12 dated 12.4.2019) at Police Station Model Town, District Hoshiarpur.

In brief, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Hoshiarpur, in para 6 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 co-accused in the present case, namely Komalveer Kaur, has already been granted the concession of interim pre-arrest bail by this Court vide order dated 31.7.2020 passed in CRM-M-21282-2020.

Notice of motion.

On the request of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 8.9.2020.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab, on the instructions from Assistant Sub Inspector Sukhdev Singh, has submitted that the petitioner has joined the investigation, co-operated and is not required for further custodial interrogation. He further submits that the recovery of the alleged weapons has already been made from the petitioner.

Learned counsel for the petitioner has also brought to the notice of this Court that Davinder Singh, a co-accused, has been granted the concession of pre-arrest bail in Criminal Misc. No. M-17484 of 2020, on 25.08.2020.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest granted to the petitioner by this Court on 25.08.2020, is made absolute.

(Anil Kshetarpal)
Judge

September 08, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No