

S.No.102

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

CRM-M-24030 of 2020 (O&M)

Date of Decision:24.08.2020

Raj Pal alias Sabari

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.119 dated 05.06.2020 registered under Sections 307, 323, 452, 406, 148 and 149 IPC and Section 25 of Arms Act, 1959 at Police Station Mahilpur, District Hoshiarpur.

It is contended by counsel for the petitioner that the case against the petitioner was concocted and based upon some misunderstanding with the complainant. Even as per the case of the prosecution, the only injury attributed to the petitioner is a gandas blow from the reverse side on the backside of head of the complainant. Even that injury is declared as simple. There is no other case against the petitioner. Not only this, even the complainant has not supported the version of the prosecution. Hence, the petitioner deserves concession of anticipatory bail.

Notice of motion.

Mr. Pawan Sharda, DAG, Punjab, accepts notice on behalf of

the State.

Learned State Counsel, on instructions from SI Om Prakash, has submitted that there are specific allegations against the petitioner. He formed part of an unlawful assembly in which the co-accused had caused injury inviting Section 307 IPC. However, it is not disputed that injury attributed to the petitioner is simple in nature and that there is no other case against the petitioner. It is also not disputed that the complainant has not supported the version of the prosecution qua the present petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

August 24, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No