

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

203

**CRM-M-24960-2020
Date of decision: 07.10.2020**

Mewa Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Lakwinder Singh Mann, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No. 18 dated 04.03.2020 registered under Sections 148, 295-A, 323, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Nakodar, District Jalandhar.

Vide order dated 28.08.2020 this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State counsel. However, no written reply has been on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Name of the petitioner does not find mention in the FIR and name of one Major Singh was mentioned in the FIR. The police is raiding the house of the petitioner on the ground that name of Major Singh was wrongly mentioned in the FIR and the petitioner is the person whose name should have been mentioned in the FIR. The petitioner was present in the police station for verification of his passport. CCTV footage of the camera installed in the police station will reveal that no role was played by the petitioner in beating the complainant. The petitioner belongs to Sikh religion and could not even think of insulting his own religion. All offences except the offence under Section 295-A of the IPC are bailable. In compliance with order dated 28.08.2020 passed by this Court the petitioner has joined the investigation.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from ASI Mulk Raj, acknowledged that in compliance with order dated 28.08.2020 passed by this Court the petitioner has joined the investigation and submitted that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case and also the fact that custodial interrogation of the petitioner is not required in

the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail. Therefore, the petition is allowed and order dated 28.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr. P.C., failing which the protection of anticipatory bail order shall not be available to him.

07.10.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No