

S.No.106

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

CRM-M-26870 of 2020 (O&M)

Date of Decision:09.09.2020

Sukhwinder Singh

.....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. Jasvir Singh Dhaliwal, 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.57 dated 17.05.2019 registered under Sections 323, 452, 354-D, 148, 149 IPC (Sections 324, 307, 354, 354-B IPC added subsequently and Section 354-D deleted vide GDR No.27 dated 21.07.2020) at Police Station Mullanpur Garib Dass, District Mohali.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is a young person of 20 years of age. He is not involved in the crime as alleged against him. Even as per the allegations of the prosecution, no injury to any person is attributed to the petitioner. The only allegation against the petitioner is that he dragged the complainant by her hair. In the first instance, the petitioner was granted interim bail by the Court below itself. However, subsequently, after about a year, Section 307 IPC has been added in the case. Therefore, the application filed by the petitioner seeking anticipatory bail has been dismissed by the Court below. It is further submitted that the injury inviting Section 307 IPC is not attributable to the petitioner. The said

injury is attributable to the co-accused Dharampal. There is no other case against the petitioner. Hence, the petitioner deserves concession of anticipatory bail.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State. Mr. Keshavan Chaudhri, Advocate appears for the complainant.

It has been argued by learned State Counsel, being assisted by learned counsel for the complainant, that the name of the petitioner is mentioned in the FIR. In fact, the petitioner had opened the gate of the house of the complainant. He started abusing her and also dragged the complainant by her hair. However, it is not disputed that the petitioner was granted interim protection by the trial Court in the first instance and that the injury inviting Section 307 IPC is not attributable to 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.

September 09, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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