

209(1) IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

1.CRM-M-27098-2020(O&M)

AMNA @ AMANPREET SINGHPetitioner

Versus

STATE OF PUNJAB

.....Respondent

2.CRM-M-23578-2020(O&M)

RAVINDER SHARMA @ RAVIPetitioner

Versus

STATE OF PUNJAB

.....Respondent

Date of decision: 25.09.2020

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.S.Sodhi, Advocate for the petitioner
in CRM-M-27098-2020
Mr. H.P.S.Ghuman, Advocate for the petitioner
in CRM-M-23578-2020
Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

By this order two criminal petitions i.e CRM-M-27098-2020
and CRM-M-23578-2020 shall stand disposed of.

The prayer in both the petitions is to grant pre-arrest bail to
the petitioners in both the cases.

On 25.8.2020, in CRM-M-23578-2020, the following order
was passed by this Court:-

“CRM-20887-2020

Application is allowed as prayed for. The
documents attached thereto are taken on record.

CRM-M-23578-2020

The petitioner prays for grant of pre-arrest bail in a
criminal case arising from FIR No. 142 dated

01.07.2020, registered under Section 365, 323, 341, 506, 148 & 149 IPC at Police Station Sadar Nabha, District Patiala.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Patiala, in para 2 of its order dated 06.08.2020, which is extracted as under:-

“Police record received. As per the prosecution version complainant Gurwinder Singh @ Manga reported to the police that he is doing labour work and that on 01.07.2020 he along with his cousin Gurwinder Singh @ Binda and Gaganpreet Singh @ Gagna when were talking with each other at minor bridge of Bajigar Basti, one car swift along with 7/8 motorcycles upon which young persons were sitting, came to them. The car was driven by Dheeru who along with Ravi,

Amna and Homi alighted from the said car having dandas and rods and the other persons riding on the motorcycles namely Icchi, Karamjit Singh, Gurpeet Singh, Chitti and 10/12 other unknown persons having dandas and rods, encircled them and started threatening to kill them. Ravi Singh raised lalkara to caught hold of them. Then Ravi caught hold of him from his neck and inflicted danda blow on the ankle of his left arm and Dheeru inflicted danda blow on his head due to which he fell on the road. His friends Gurwinder Singh and Gagandeep Singh tried to rescue him from the assailants but the assailants also caught both of them. Then Ravi, Dheeru, Homi and Amna threw him in their car and Ravi and Amna placed hands on his mouth so that he could not raise alarm and accused/applicants inflicted injuries on his person and took him to river at Shamla side and threw him from the running car. On his statement the FIR was registered for the offences under Sections 365, 323, 341, 506, 148, 149 IPC”.

Learned counsel for the petitioner contends that except the offence under Section 365 IPC, remaining are bailable and the petitioner, who has just passed his 10+2 examination, has been falsely nominated as an accused in the present case.

Notice of motion.

On the request of this Court, Mr. Dhruv Dyal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

Keeping in view the aforesaid facts, the petitioner is directed to join the investigation.

In the event of arrest of the petitioner, he shall be released on interim pre-arrest bail subject to his 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..”

Learned State counsel on instructions from ASI Sarabjit Singh has submitted that both the petitioners have joined investigation, cooperated and are not required for further custodial interrogation.

In view of the above, the orders dated 25.8.2020 and 10.9.2020 are hereby made absolute.

The petitions stand allowed.

25.09.2020
rekha/pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No