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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27184 of 2020 (O&M)

Date of decision: 10.09.2020

Avtar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.115 dated 03.07.2020 registered under Sections 308, 323, 148, 149 IPC at Police Station Kotwali, Bathinda.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Manpreet Singh @ Babbu, as many as 16 persons came to his house and caused injuries to him. Counsel for the petitioner has referred to the relevant part of the FIR wherein it is stated that Mohinder Singh and Gurdev Singh, who were armed with kapa, attacked him and as a result of which, he became unconscious. The only allegation against the petitioner is that he had caught hold of the victim and there are no specific allegation of causing any injury to him. It is further submitted that the occurrence has taken place on 15.06.2020 whereas the FIR was registered after a delay of 18 days i.e. on 03.07.2020.

Counsel for the petitioner has further argued that even on the date of registration of the FIR, one DDR No.37 was lodged at the

CASE HEARD THROUGH VIDEO CONFERENCING

instance of Pooja, from the side of the accused party against Manpreet Singh in which it was stated that the complainant – Manpreet Singh has caused injuries to her right wrist and torn her shirt to outrage her modesty. Lastly, it is argued that since it is a case of version and cross-version, the aggressor is yet to be ascertained and the petitioner is ready to join the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail.

After considering the arguments raised by counsel for the parties and in view of the fact that it is a case of version and cross-version and no specific injury is attributed to the petitioner, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to summon the petitioner as and when he is required for investigation by issuing an advance notice to him, in writing. It will be also open for the Investigating Officer to apply for cancellation of bail of the petitioner, in case he is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.09.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No