

S.No.204

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

CRM-M-27688 of 2020 (O&M)

Date of Decision:24.09.2020

Sucha 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. J.S. 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 (subsequently Sections 324, 307, 354, 354-B IPC added and Section 354-D IPC deleted vide GDR No.27 dated 21.07.2020) registered at Police Station Mullanpur Garib Dass, District Mohali.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has not at all committed crime as alleged against him. There is delay of two days in lodging the FIR. The said delay has been utilised by the complainant in fabricating the case against the petitioner. Earlier, the petitioner was granted interim pre-arrest 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. Even as per the allegations of the prosecution, the injury attributed to the petitioner has not invited Section 307 IPC. There is no other case against the petitioner. Hence, the petitioner deserves concession of anticipatory bail.

Notice of motion.

Mr. S.P.S. Tinna, Addl. AG, Punjab, accepts notice on behalf of the State. Mr. Keshavam Chaudhari, Advocate appears for the complainant.

Learned State Counsel, being assisted by learned counsel for the complainant, has submitted that the name of the petitioner is mentioned in the FIR. In fact, the petitioner was a participant in the crime and he has even caused injuries on the hand of the complainant with kirpan. 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 , which has been added later on, is not attributable to the 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 24, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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