

S.No.204

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

CRM-M-27690 of 2020 (O&M)

Date of Decision:24.09.2020

Dalvir 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 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. Earlier, the petitioner was arrested in this case but he was granted concession of bail pending trial by the trial Court. However, subsequently, after about one year, another offence under Section 307 IPC has been added in the case. Therefore, the petitioner apprehends his arrest. However, the injury inviting Section 307 IPC is not attributable to the petitioner. In fact, no injury is attributed to the petitioner at all. There is no other case against the petitioner.

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 specifically mentioned in the case. Now offence under Section 307 IPC has been added. Therefore, the petitioner does not deserve concession of anticipatory bail. However, it is not disputed that on the same set of facts, earlier the petitioner was granted bail pending trial by the Court below. It is not disputed that the injury inviting Section 307 IPC 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