

S.No.108

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

CRM-M-28015 of 2020 (O&M)

Date of Decision:16.09.2020

Baljinder Singh @ Gaggi and another

.....Petitioners

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. Sukhmeet Singh, Advocate for the petitioners.

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 cross case bearing DDR No.23 dated 23.08.2020 registered under Sections 452, 323, 427, 506, 148, 149 IPC at Police Station City Faridkot, District Faridkot registered in FIR No.302 dated 23.08.2020 under Sections 307, 506, 34 IPC and under Section 25 of Arms Act at Police Station City Faridkot, District Faridkot.

It is contended by counsel for the petitioners that the present case against the petitioners has been fabricated by the complainant as the pressure tactics because the side of the complainant is facing a murder trial for having killed one of the persons from the side of the petitioners. Still further, it is submitted that even as per the version of the cross complainant, there are no serious injuries alleged by him. The only allegations against the petitioners is qua damage to the vehicles which were parked outside in the street. The petitioners shall join the investigation. Hence, the petitioners deserve concession of anticipatory bail.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Shavinder Singh, has submitted that during the investigation of the main case relating to the murder of one of the family members of the present petitioners, the statement was made by Kuldeep Singh, who is the son of the accused in that murder trial, to the effect that the petitioners trespassed in the house of the cross complainant and attacked them. However, it is not disputed that there are no grievous injuries even alleged by the cross complainant and that the main allegations against the petitioners is qua causing damages to the vehicles parked in the street.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioners 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 16, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No