

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****204****CRM-M-28542-2020 (O&M)**
Date of Decision: 02.12.2020

Gaurav & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Chander Shekhar Singhal, Advocate, for the petitioners.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.87 dated 31.05.2020 at Police Station Tibba, District Ludhiana, under Sections 307, 452, 148, 149, 188 of Indian Penal Code and Section 25 of the Arms Act.
2. At the time of issuance of notice of motion on 24.09.2020, this Court passed the following order:

“Status report filed by the learned State counsel is taken on record.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.87 dated 31.05.2020 under Sections 307, 452, 148, 149, 188 IPC and Section

25 of the Arms Act registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioners argues that even, as per the FIR, no allegation has been alleged against the petitioners so as to attract Section 307 IPC qua the petitioners. Learned counsel for the petitioners submits that the only allegation against the petitioners is for physically beating the victim. Learned counsel for the petitioners further submits that a similarly situated co-accused namely, Paramjit Singh @ Pamma has already been granted the benefit of anticipatory bail by this Court while deciding CRM-M-24434 of 2020.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel does not dispute the averments/arguments raised on behalf of the petitioners. It is conceded by the learned State counsel that the only allegation against the petitioners was that they had physically beaten the victim. Learned State counsel further submits that no recovery is to be effected from the petitioners.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegation against the petitioners is only of physically beating the victim. Once, no allegation has been alleged against the petitioners so as to relate them with Section 307 IPC and further that the similarly situated co-accused namely, Paramjit Singh @ Pamma has already been granted the benefit of anticipatory bail by this Court, the petitioners have made out a case for the grant of anticipatory bail, especially, when the

petitioners have undertaken to join and cooperate in the investigation.

XX

XX

XX

Adjourned to 02.12.2020.”

3. Learned State counsel on instructions from ASI Sukhdev Singh has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioners are stated to have given physical beatings only and are not stated to have used any weapon and while also keeping in view the fact that they have since joined investigation and are not required for any custodial interrogation, the petition, as such, is accepted and the interim directions issued by this Court vide order dated 24.09.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

02.12.2020

Vimal

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**