

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

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IN VIRTUAL COURT

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**CRM-M No. 29720 of 2020
Decided on: 25.9.2020**

Karan Partap Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Anil Kumar Sharma, Advocate, for the petitioner

Rajbir Sehrawat, J.(Oral)

The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 267 dated 31.12.2018, under Sections 452, 448, 342, 365, 382, 506, 511, 148 and 149 IPC (Sections 186, 353, 380 IPC added later on), registered at Police Station City Rupnagar, District Rupnagar.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The dispute is basically a civil dispute pertaining to a residential house, which was under the ownership of uncle of the present petitioner. The said house was bequeathed in favour of the father of the petitioner by the actual owner. The complainant claims the same on the basis of some agreement to sell of the year 2013. However, the complainant has not even filed any suit for specific performance so far. The said document is only a fabricated document. The house in question is in possession of the family of the petitioner. Not only this, even the electricity connection of the said house is in the name of the uncle of the petitioner even now. It is also submitted that there is not even any medical record to substantiate any injury to the alleged injured Vijay Singh. In any case, there is a delay of two days in lodging the FIR. Still further, it is submitted that there is

no other case against the petitioner. The petitioner shall join the investigation. Therefore, the petitioner be protected against his arrest.

Notice of motion.

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

The counsel for the State, being instructed by SI Raghbir Singh, submits that there are specific allegations against the petitioner. In fact, it is the petitioner only, who is alleged to have caused injuries with a kirpan. However, it is not disputed that as per the documents, even now the electricity connection of the house in question is in the name of uncle of the petitioner. It is also not disputed that there is no medical record of any injury suffered by the alleged injured Vijay Singh. Still further, it is not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, 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.

(RAJBIR SEHRAWAT)
JUDGE

25.9.2020

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No