

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

**CRM-M No. 28537 of 2019 (O&M)
Date of Decision: 14.02.2020**

Taman Gandhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Manoj K. Tanwar, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in FIR No.78 dated 27.04.2019, under Sections 323, 324, 341, 379, 148, 149 and Section 326 IPC (added lateron), Police Station City South, Moga, District Moga.

Learned counsel for the petitioner has, inter-alia, argued that in the present case, FIR under Sections 323, 324, 341, 379, 148, 149 was registered against the petitioner and two other co-accused. However, after two months, Section 326 IPC was added by the police. In the FIR, there was no mention of use of fire arms and no specific injury was attributed to the petitioner. Learned counsel for the petitioner has also stated that a fight

took place between the students and the petitioner has also suffered injuries.

Learned counsel for the petitioner has referred to the MLR (Annexure P-2)

in this regard.

On 08.07.2019, notice of motion was issued in this case and on 28.01.2020, the petitioner was granted interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer and to abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the petitioner states that the petitioner has joined the investigation and is fully cooperating with the investigation process.

Learned State counsel, on instructions from ASI Sukhpal Singh, has stated that so far as the petitioner is concerned, he has joined the investigation and is fully cooperating with the same and recovery of a Sword has also been made. He has further stated that two other co-accused are at large and, therefore, custodial interrogation of the petitioner is required.

I have heard learned counsel for the parties and perused the record.

In the present case, it seems that a fight took place between the students and the petitioner, who is a young boy of 22 years of age, has also suffered injuries. In pursuance of the order dated 28.01.2020, the petitioner has already joined the investigation and is fully cooperating with the same and recovery of a Sword has also been made.

In view of the totality of circumstances, I deem it fit and proper

to grant anticipatory bail to the petitioner. Therefore, the present petition is allowed and the order dated 28.01.2020 passed by this Court, is hereby made absolute.

14.02.2020
sk

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No