

S.No.106

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

CRM-M-34792 of 2020 (O&M)

Date of Decision:29.10.2020

Pooja Rani 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. L.M. Gulati, 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 case FIR No.154 dated 10.09.2020 registered under Sections 307, 323, 353, 186, 341, 427, 148, 149 and 506 IPC at Police Station Koom Kalan, District Ludhiana.

It is contended by learned counsel for the petitioners that the name of the petitioners have unnecessarily been dragged in the present case. None of the petitioners is involved in the crime, as alleged against them. Still further, it is submitted that even as per the allegations of the prosecution, petitioner No.1 is alleged to have torn the uniform of the Police Officer at his shoulder and there is no attribution to petitioner No.2. In any case, none of the petitioners is attributed any injury of any kind to the complainant/ Police Officer. There is no other case against the petitioners. The petitioners are young persons. They will join the investigation. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Ashok Kumar, has submitted that there are specific allegations against the petitioners. Both of them form part of the unlawful assembly which attacked a Police Officer on duty. By virtue of this fact only, the petitioners are not entitled to protection against their arrest. However, it is not disputed that no injury is attributed to either of the petitioners and the only attribution to petitioner No.1 is to have damaged the uniform of the complainant at his shoulder and the attribution to petitioner No.2 is merely being present at the spot. It is also not disputed that there is no other case against either of the petitioners.

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.

October 29, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No