

S.No.103

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

CRM-M-34521 of 2020 (O&M)

Date of Decision:29.10.2020

Karan Kumar @ Mangu @ Manga & anr.Petitioners

Vs.

State of PunjabRespondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rajesh Bhatehja, Advocate for the petitioners.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.253 dated 29.11.2019 registered under Sections 452, 325, 323, 506, 148, 149, 459 and 307 IPC (offence under Sections 459, 307 IPC added later on) at Police Station City South, District Moga.

It is contended by learned counsel for the petitioners that the case against the petitioners is totally concocted and baseless. Still further, it is submitted that even as per the allegations of the prosecution, the petitioner No.1 is attributed baseball bat blow to one Lachhman Singh. However, the said injury has been specified to be simple in nature. No injury is attributed to petitioner No.2. Accordingly, the petitioners were granted anticipatory bail in the first instance. They had joined the investigation as well. However, subsequently, Sections 307 and 459 IPC have also been added in this case. Hence, the petitioners apprehend their arrest. It is further submitted that the injury inviting offences under Section

307 or 459 IPC are not attributable to the petitioners. The petitioners shall 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 Balkar Singh, has submitted that there are specific allegations against the petitioners. A specific injury is attributed to petitioner No.1. However, it is not disputed that the petitioners were earlier granted anticipatory bail and they had joined the investigation also. It is also not disputed that the injury inviting newly added Sections is not attributable to 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