

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

**CRM-M No.34752 of 2020 (O&M)
Date of decision : October 29, 2020**

Shamsher Singh and others Petitioners

Versus

State of Punjab Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vinay Kumar Gupta, 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.182, dated 03.10.2020, under Sections 307, 353, 332, 186, 148 and 149 IPC, registered at Police Station Nihal Singh Wala, District Moga.

It is submitted by the learned counsel for the petitioners that the case against the petitioners has been concocted for motivated reasons. Otherwise also, there are no specific allegations against the petitioners qua any overt act during the incident. There is no other case against the petitioners. 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 respondent-State.

Learned counsel for the State, on instructions from ASI Maghar Singh, has submitted that the petitioners have been participants in a distarded act of attacking the police officer while he had gone on his official duty. However, it is not disputed that no overt act is attributed to either of the petitioners and that there is no other case either of the petitioners.

In view of the above submissions, however, 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 by the Investigating Officer subject to their furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when so required by the Investigating Officer. They shall further comply with the conditions stipulated in Section 438(2) Cr.PC.

(RAJBIR SEHRAWAT)
JUDGE

October 29, 2020

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Whether speaking / reasoned

Yes

Whether Reportable:

No