

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

203

CRM-M-38963-2019

Date of decision: 24.02.2020

Amrit Pal Singh @ Lali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kushaldeep S. Sandhu, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.91 dated 11.08.2019 registered under Sections 323 and 452 read with Section 34 of the Indian Penal Code, 1860 at Police Station Payal, Police District Khanna, District Ludhiana.

On 21.11.2019, a Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case at the instance of the complainant, who was friendly with the concerned police officials. The occurrence took place in front of the house of the petitioner due to his request for moving the vehicles belonging to the clients of the

complainant parked in front of his house. In the occurrence, the petitioner was also injured but the police did not register his FIR. The petitioner is ready to join the investigation and abide by the terms and conditions regarding bail.

On the other hand, learned State counsel has submitted that in view of the gravity of offence, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel, on instructions from the investigating officer, has acknowledged that in compliance with order dated 21.11.2019 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and admitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 21.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

24.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No