

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41722-2019
Date of Decision: 25.02.2020

Ricky @ Rakesh Batra

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harmanjeet Singh, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG Punjab assisted by
ASI Harjit Singh.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.103 dated 28.07.2019, under Sections 379-B, 323, 34 of IPC registered at Police Station Meharban, District Ludhiana.

On 27.09.2019 following order was passed:

“It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the complainant and his companions, who were drunk, created scene on the road. The petitioner only tried to get side on road by honking them. The complainant came and gave beating to the petitioner and caused injuries. Because of that, the petitioner had to be admitted to the hospital as well. The father of the petitioner had even made a complaint to the Police on the very next day. However, the action was not taken on that complaint. On the contrary, after a delay of two days, the FIR has been

registered against the petitioner himself. It is further contended by the counsel for the petitioner that there is no other case of any kind against the petitioner.

Notice of motion for 25.02.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.”

Learned counsel for the petitioner has stated that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and he is no more required for custodial interrogation. Nothing has to be recovered from the petitioner.

Learned State counsel, on instructions from ASI Harjit Singh, has not disputed the factual position of the case. In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 27.09.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

25.02.2020
Janki

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