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

CRM-M No.2178 of 2021
Date of Decision: 01.04.2021

Himmat Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The petitioner seeks anticipatory in case bearing FIR No.190 dated 04.07.2020 registered under Sections 307, 326, 341, 379-B, 148, 149, 120-B, 188 of IPC and Section 3 Epidemic Diseases Act and Section 51 (b) Disaster Management Act, Police Station Division No.7, Jalandhar.

On 15.01.2021, following order was passed:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. The FIR was registered at the instance of complainant Om Parkash. As per the allegations, Sabbi was holding a *kirpan*, Gaurav Dadra @ Gori was armed with *datar*, Sunil Kumar @ Babbu was armed with iron rod. Vishal Dadra @ Vicky was armed with base ball,

Sunil Kumar @ Khamba was armed with wooden stick and Prince Suman was armed with base ball. Sabbi raised a *lalkara* and thereafter, gave sword blow towards head of brother of the complainant. The blow was warded off by brother of the complainant by raising his left arm. The blow ultimately landed on his left wrist resulting in cutting of the wrist of brother of the complainant and the same got hanged with the arm. Sabbi pulled out wallet of brother of the complainant. On raising alarm, the assailants fled away from the spot. Petitioner is not attributed any overt act nor was he named in the FIR. His name appeared only in the disclosure statement of co-accused and the alleged role is that he was present and was member of the unlawful assembly. Co-accused Prince Suman has been granted anticipatory bail by this Court vide order dated 08.09.2020 passed in CRM-M-23330 of 2020.

Notice of motion for 01.04.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 22.01.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on *ad interim* bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

This fact has not been disputed by learned State counsel on instructions from ASI Sham Lal. Learned State counsel further submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for further investigation of the case.

For the reasons recorded in the order dated 15.01.2021, the order dated 15.01.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.04.2021

sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No