

Sr.No.101

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

CRM-M-3348 of 2021

Date of decision:28.01.2021

Sonu

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Daljeet Singh Kahlon, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.304, dated 16.11.2020 registered under Sections 308, 323, 353, 186, 506, 148, 149 IPC at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner has submitted that petitioner was falsely implicated in the present case and he was not even present at the time when the incident took place. He has submitted that since he was not present at the spot, he may be considered for the grant of anticipatory bail in the present case. He has further submitted that at present, FIR was lodged

on the basis of complaint made by one villager and in fact the same was not received by the police.

Mr. Harsimar Singh Sitta, Asst.AG, Punjab, learned State counsel who is present in Court through video conferencing has submitted that in the present case the petitioner has been specifically named in the FIR and specific allegations have been attributed to the petitioner that he had abused the police official and caught hold of his uniform and broken its buttons. He has further submitted that the petitioner is at large and investigation in the present case is still in progress qua the petitioner. So far as the other co-accused are concerned, the challan has already been presented but so far as the petitioner is concerned, challan could not be presented because he did not co-operate with the investigation process. He has further submitted that the matter on the face of it, is serious in nature and custodial interrogation of the petitioner is required, therefore, he prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

So far as the present FIR is concerned, the same was lodged in the month of November, and till date the petitioner is at large and the allegations so far as the petitioner is concerned are specific in nature. The plea taken by learned counsel for the petitioner that he was not present at the

spot can not be determined at the time of consideration of the anticipatory bail because it is a matter of consideration during the process of investigation. The argument raised by learned State counsel that challan qua the petitioner could not be presented because entire investigation could not be completed as petitioner is at large for almost two months and challan has been presented for the other accused does carry some weight.

It can also be noted that two other co-accused, namely, Gora Singh and Dildar Singh had also approached this Court and their anticipatory bail applications were dismissed as withdrawn.

Therefore, considering the totality and circumstances of the present case, I do not deem it fit and proper to grant anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed. However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

28th January, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No