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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4373-2021
Date of decision-01.09.2021

AMAR DASS MAAN

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, 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.175 dated 01.12.2020, under Sections 341, 323, 379-B, 506 & 34 Indian Penal Code, 1860, registered at Police Station Bahavwala, District Fazilka. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.02.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Prayer is for grant of anticipatory bail in case FIR No.175 dated 01.12.2020 under Sections

341,323,379-B,506,34 IPC registered at P.S Bahavwala, District Fazilka.

FIR was registered on the statement of Parveen Kumar, who alleged that on 30.11.2020 at about 08.15 p.m, he along with his friend Omkar had gone to take care of the fields. When they reached the fields, all of a sudden, Balram armed with Rope, Surinder Kumar armed with Kappa, Amardas (petitioner) armed with danda and one unknown person came there. They encircled the complainant and hurled abuses to him. Surinder Kumar while raising lalkara that the complainant should be not spared inflicted kappa blow on the back side of left hand of the complainant. Amardass (petitioner) caused danda blow which hit on the calf of left leg of the complainant due to which he fell down. While the complainant was lying on the ground, Balram put the rope around the neck of the complainant causing injuries to the complainant. Upon alarm being raised by the complainant, accused fled from the spot after snatching the mobile phone of the complainant.

Learned counsel for the petitioner contends that the allegations against the petitioner are totally false. The petitioner is 55 years old and is working in the Water Supply and Sewerage Department. Even as per the FIR, only specific allegation attributed to the petitioner is that he gave a dang blow on the left leg of the complainant. He has referred to the MLR(P.5) to contend that the injury attributed to the petitioner are simple in nature.

Notice of motion for 12.05.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by Head Constable

Amandeep Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 08.02.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

01.09.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No