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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7938-2021

Date of decision :13.08.2021

Lovepreet Singh & others

... Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

Mr. Gulshan K. Moudgil, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a first petition filed by the petitioners under Section 438 of Cr.P.C. 1973 for grant of anticipatory bail to the petitioners in case FIR No.08 dated 13.01.2021 registered under Sections 323, 341, 379-B and 506 IPC, 1860 registered at Police Station Fattu DHINGA, District Kapurthala.

This case came up for hearing on 19.02.2021 before a Coordinate Bench of this Court on which date, the following order was passed:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioners in case FIR No.08 dated 13.01.2021 under Sections 323, 341, 379-B, 506 of Indian Penal Code registered at Police Station Fattu DHINGA, District Kapurthala.

Learned counsel for the petitioners herein would contend that this is a case of version and cross-version as the petitioners themselves have suffered injuries at the hands of the complaint party. It is also argued that there is every chance of a false implication as there is an inordinarily delay of 05 days in registering of the FIR.

Notice of motion.

Ms. Rashmi Attri, A.A.G., Punjab and Mr. Vivek K. Thakur, Advocate who are present in the Court through the medium of video conferencing accept notice on behalf of the respondent-State and complainant, respectively.

Learned counsel appearing on behalf of the complainant, would submit that there is a CCTV footage which has been supplied to the Police regarding the incident that took place. It is also argued that the petitioner-Lovepreet Singh has taken away a gold chain weighting 1.5 tolas from the complainant and an amount of Rs.16,000/- and important documents have been taken away by Sukhdev Singh and Jagjeet Singh, petitioners herein.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Kuldeep Singh would submit that the Investigating Officer does not have any CCTV footage with him.

Learned counsel appearing on behalf of the complainant would submit that in fact the CCTV footage had been handed over to ASI Dalwinder Veer Singh, who now stands transferred.

Adjourned to 13.08.2021.

Meanwhile, petitioners are directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

It is further directed that in case any CCTV footage is made available by the complainant to the police, the same will be looked into.

Learned counsel for the petitioners has stated that they have joined investigation in pursuance of the above-said order and there is no other case against the petitioners. To fortify his cross-version, reference has also been made to MLR of petitioner No.1 which has been annexed as Annexure P-2 with the present petition.

Learned counsel for the petitioners has also argued that in the present case, even as per the version given by the complainant, it is complainant who had come to the place where the petitioners were already there and it would be a matter of trial as to who was the aggressor. It has also

been submitted that none of the alleged injuries suffered by the complainant-party is grievous in nature.

Learned counsel for the complainant has stated that in CCTV footage, it can also be seen that the petitioners are snatching the gold chain and the money from the complainant.

Mr. Saurav Khurana, Deputy Advocate General, Punjab has submitted on the instructions from ASI Dalwinderbir Singh, that the petitioners have joined the investigation and has further stated that the CCTV camera footage has been seen but as per his instructions, it has been stated that it was quite dark and thus, the whole episode is not very clear.

In view of the above facts and circumstances, version and cross-version and coupled with the facts, the petitioners are not involved in any other case and have also joined the investigation and the question as to whether it is a case of alleged snatching at the time of the fight or a case of pre-planned snatching, would be considered at the time of trial.

Considering all the said facts and without expressing any opinion on the merits of the case, I deem it appropriate to allow the petition and grant anticipatory bail to all the petitioners.

Thus, the present petition is allowed and the interim order dated 19.02.2021 is made absolute.

(VIKAS BAHL)
JUDGE

13.08.2021
JITESH (JTS)

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