

209 (five cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 23.09.2021

(i) CRM-M-9917-2020

Baljeet Singh Petitioner

Versus

State of Punjab Respondent

(ii) CRM-M-11313-2020

Naresh Kumar Arora Petitioner

Versus

State of Punjab Respondent

(iii) CRM-M-8415-2020

Mukesh Garg Petitioner

Versus

State of Punjab Respondent

(iv) CRM-M-22365-2021

Rajesh Kumar Petitioner

Versus

State of Punjab Respondent

(v) CRM-M-22366-2021

Mangat Rai alias Sonu Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present : Mr. Kanwaljeet Singh Brar, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH (Oral)

The cases have been taken up for hearing through video-conferencing.

Vide this common order, aforesaid CRM-M-9917-2020, CRM-M-11313-2020, CRM-M-8415-2020, CRM-M-22365-2021, and CRM-M-22366-2021 for grant of anticipatory bail are being disposed of since the same have arisen from same FIR No.037 dated 13.02.2020, registered under Sections 332, 353, 186, 506, 148, 149 IPC and Section 25 of the Arms Act, added lateron, at Police Station City Kotkapura, District Faridkot, therefore, common facts are being noticed.

The FIR was lodged at the instance of complainant Mukesh Khurana with the allegations that he was posted as Manager in Punjab and Sind Bank, Faridkot. One Naresh Kumar, owner of Sonu Shoes, availed a loan from the bank and thereafter he became defaulter. This case was sent to D.M. Faridkot and the possession of the mortgaged property i.e. house was ordered to be taken by Tehsildar with the police help.

In pursuance of the order of D.M., Faridkot, the complainant alongwith bank official Simran Grover, Tehsildar Paramjeet Singh Brar, members of the Police Force and Enforcement Agency went to the house of Naresh Kumar. At that

time at about 1:45 p.m., 4-5 persons were sitting in the house of Naresh Kumar, who told the officials that Naresh Kumar had gone to arrange money and they were asked to wait. In the meanwhile, Naresh Kumar alongwith Baljit Singh, Kala, Mukesh Garg and 3-4 unknown persons came there. Baljit Singh asked the officials that he is a tenant in the house and how they (officials) had entered in the house. Naresh Kumar, Baljit Singh, Kala, Mukesh Garg and their companions started giving beatings to the officials. The officials told them that they are on official duty under the orders of the Deputy Commissioner but the assailants did not listen them. Injuries were caused to the officials and even one of the person brought out a pistol and gave threats upon which the complainant and other staff went away from the spot for the obstruction caused in performance of official duty and for causing injuries to the officials. Vinod Kumar, Manager of the Bank, was admitted in the hospital and he was under treatment. With these allegations, the FIR came to be registered.

At the time of issuance of notice of motion in CRM-M-8415-2020, the contention of learned counsel for the petitioner was recorded that the offence under Section 148 IPC is not attracted as the petitioner therein namely Mukesh Garg was not armed with any deadly weapon. The offences in terms of Sections 353 and 332 IPC are relatable to offence under Section 186 IPC which is non-cognizable in nature. These offences are aggravated form of offence under Section 186 IPC and are necessarily to be treated alike on the strength of ratio laid down in **Nirbhai Singh vs. State of Punjab and**

another 2009 (4) RCR (Criminal) 614 and Ram Kumar vs. State of

Haryana, 1998 (1) PLR 633. Interim bail was also granted to the petitioner therein vide order dated 26.02.2020. The same order was relied in another connected petitions.

Today, learned State counsel on instructions from concerned Investigating Officer, submits that the petitioners in the aforesaid five petitions have already joined the investigation on 11.03.2020 and they are no more required for further investigation of the case.

In view of the statement, made by learned State counsel, the interim bail granted to the petitioners in the aforesaid five petitions is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petitions stand disposed of.

23.09.2021
mamta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No