

**CRM-M-16613-2021**

**Date of Decision: 10.12.2021**

**Sandeep @ Gora**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. D.K. Bhatti, Advocate,  
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

On 10.09.2021, the following order had been passed by this  
court:-

*“Case heard by video conference.*

*By this petition, the petitioner seeks the concession of 'pre-arrest bail' under the provisions of Section 438 Cr.P.C., upon FIR No.0055, dated 10.03.2021, having been registered at Police Station Moti Nagar, Police Commissionerate, Ludhiana, alleging therein the commission of offences punishable under the provisions of Sections 307/323/332/353/186/506/148/149/427 of the IPC.*

*Learned counsel for the petitioner points to Annexure P-3, which is an order passed by this court (co-ordinate bench), wherein the person who had actually attacked the ASI with an iron rod (as per the allegations in the FIR), was admitted to interim anticipatory bail by this court (co-ordinate bench), on 18.06.2021, subject to him paying Rs.1 lakh for the treatment of the police officials who were injured.*

*Prior to that another co-accused, Bunty alias Bheem, had been admitted to interim bail by this court (this very bench) on 23.04.2021, essentially on the ground that the said petitioner (Bunty) was alleged to have been implicated in the matter only because he was the brother of the present petitioner, i.e. Sandeep alias Gora.*

*Seemingly, the main perpetrator, Deepak, having been admitted to interim bail (subject to him paying Rs.1 lakh for the treatment of the injured police officials), notice of motion already having been issued vide an order dated 16.04.2021 by this court (co-ordinate bench), the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.*

*He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.*

*If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*A gazetted officer is directed to file a reply to the petition.*

*The case files of CRM-M-16959-2021 and CRM-M-23092-2021 be also put up alongwith.*

*Adjourned to 03.11.2021”.*

Thereafter, on 03.11.2021, the following order had been passed:-

*“Case heard via video conference.*

*A reply has been filed by the ACP, Industrial Area-A, Ludhiana, dated 02.11.2021, which is ordered to be taken on record. A copy thereof be*

*supplied to learned counsel for the petitioner.*

*It is to be again noticed that the petitioner had been admitted to interim bail by this court essentially on account of the fact that the person who is alleged to have attacked an ASI with an iron rod was ordered to be admitted to interim bail by this court (co-ordinate bench), vide an order passed on 18.06.2021 in CRM-M-23092-2021, subject to the petitioner in that case (coaccused Deepak), depositing Rs.1 lakh towards the medical expenses of the injured police official.*

*Thereafter, on 02.09.2021, a statement had been made before this court (this bench), by learned State counsel appearing on that date, on instructions received by him from ASI Mewa Ram, that the said petitioner having joined investigation and his custodial interrogation was not required, with a cheque of Rs.1 lakhs also having been furnished by that petitioner, to the investigating officer. That petition was consequently disposed of as having been rendered infructuous, on that date.*

*Adjourned to 10.12.2021.*

*Interim order to continue till that date.”*

Though as per the reply filed by the Assistant Commissioner of Police, Industrial Area-A, Ludhiana, dated 30.04.2021, it has been prayed that the petition be dismissed, learned State counsel on instructions from Head Constable Kuldeep Singh, submits that the petitioner has joined investigation and his custodial interrogation is not required.

Keeping in view the above, as also the fact that it is admittedly a case of no injury having been received by anyone and a co-accused of the petitioner having already been admitted to bail, without making any

comment on the actual merits of the case, the petition is allowed and the order dated 10.09.2021 made absolute, on the same terms and conditions.

December 10, 2021  
nitin

(AMOL RATTAN SINGH)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No. |