

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

**CRM-M-20641 of 2021(O&M)
Date of Decision: 03.06.2021**

Aman Mahi and another

Petitioners.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Deepak Nayar, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioners, seek the concession of anticipatory bail in FIR No.0082 dated 18.03.2021, under Sections 323, 341, 506, 379, 34 IPC, registered at Police Station Salem Tabri, District Ludhiana.

It is submitted that petitioners have been falsely implicated in the abovesaid matter. Petitioner no.2, it is stated is a widow and petitioner no.1 is her son aged only 20 years. FIR in question has been registered after an unexplained delay of over four days. It is submitted that an altercation and scuffle had taken place between the parties in which petitioners had received injuries. Reference is made to the MLR of petitioner no.1, Annexure P-3. However, no action has been

taken against the complainant party despite injuries received by petitioner no.1. The present, it is stated, is a case of version and cross-version and it is yet to be decided as to who was the aggressor. Insofar as question of snatching of gold chain is concerned, the same is denied and moreover, there is no such CCTV footage reflecting snatching of the said gold chain. Petitioners, it is submitted undertake to fully cooperate with the Investigating Agency. It is thus prayed that the present petition be allowed.

Learned counsel for the respondent-State has opposed this petition.

Heard learned counsel for the parties.

Learned counsel for the respondent-State is unable to deny the MLR of petitioner no.1 attached as Annexure P-3. There is no explanation coming forth, at this stage, regarding said injuries. It is further not denied that both the petitioners are not involved in any other criminal case and there is no clarity in the CCTV footage regarding snatching of the abovesaid chain. Injuries received by the complainant party are admittedly simple in nature.

There are no allegations on behalf of the State that petitioners are likely to abscond and not be available to face trial, if released on bail. Custodial interrogation of the petitioners is not required in the factual matrix of the case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Petitioners shall join investigation as and when required by the investigating agency and shall fully cooperate in the investigation of this case. In the event of their arrest, petitioners be released on bail to the satisfaction of Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

03.06.2021

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.