

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

208

**CRM-M-23844-2020
Date of decision: 16.07.2021**

Sukhmander Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kanav Bansal, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case DDR No.25 dated 18.10.2018 registered under Sections 148, 324, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Moga, District Moga to which Section 326 of the IPC was added lateron.

While issuing notice of motion on 21.08.2020, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel in terms of short reply filed by way of affidavit of Barjinder Singh, PPS, Deputy Superintendent of Police, Moga (City) on behalf of

respondent-State in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case registered as cross-case to FIR No.223 dated 16.10.2018 registered under Sections 341, 323, 148 and 149 of the IPC at Police Station City Moga, District Moga. Complainant Baltej Singh got the present DDR registered after two days of lodging of FIR against him with concocted and afterthought story. As per the prosecution version, the petitioner was armed with kapa and inflicted blow on rear portion of right hand and forehead of the complainant. Injury on forehead was found to be simple. Injury caused with sharp edged weapon and declared to be grievous was on right hand of the complainant and was not on any vital part of the body. Injuries were also caused to the petitioner in the occurrence origin and genesis of which has been suppressed by the complainant. In compliance with order dated 21.08.2020 passed by the Coordinate Bench, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Balkar, acknowledged that in compliance with order dated

21.08.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner which involves version and cross-version of the occurrence, the fact that custodial interrogation of the petitioner is not required in the case and also that there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 21.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

16.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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