

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31693 of 2020 (O&M)
Date of Decision: 15.01.2021

Babbu Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.P.S. Tung, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of anticipatory bail in case bearing FIR No.0135 dated 27.08.2020 registered under Sections 452/323/34 IPC and Section 325 was added later on at Police Station Sadar Budhlada, District Mansa, Punjab.

On 27.11.2020, following order was passed by this Court:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner submits that initially the FIR in question was registered for

the offences under Sections 452, 323, 34 IPC. Offence under Section 325 IPC was added on 26.09.2020. Only non-bailable offence is under Section 452 IPC. Co-accused Sandeep Kumar has already been granted anticipatory bail vide order dated 14.10.2020 passed in CRM-M No.32661 of 2020.

Learned State counsel on instructions submits that the allegations are of forcibly entering in the house of the complainant. Bogha Singh raised lalkara. Sandeep Kumar gave a datar blow on the left side of head of complainant. Petitioner gave an iron rod blow on the nose of husband of the complainant. Kamlesh Rani gave a wooden stick blow on the head of daughter of complainant.

Learned State counsel further submits that the petitioner is author of injury falling under Section 325 IPC.

Evidently, the offence under Section 325 IPC is bailable.

For non-bailable offence under Section 452 IPC, co-accused Sandeep Kumar has already been granted anticipatory bail.

In view of aforesaid position, case of the petitioner qua his complicity in non-bailable offence can be considered at par with Sandeep Kumar.

In view of above, without owing to the merits of the case at this stage, I deem it appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 14.12.2020 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 15.01.2021.”

Learned State counsel, on instructions from ASI Manjeet Singh, submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for any further investigation in the case.

In view of the above, the interim order dated 27.11.2020 is made absolute. The petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

15.01.2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No