

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37196 of 2020

Date of Decision: January 28, 2021

Leela Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Ravinderjit Singh Dhaliwal, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.75 dated 30.09.2020, under Sections 452, 324, 323, 148, 149, 506 IPC, 1860 and Sections 326 and 307 IPC (added later on), registered at Police Station, Kotfatta, District Bathinda. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Briefly, the FIR bearing No. 75 dated 30.09.2020 under Sections 452/324/323/148/149/506 IPC and Sections 326/307 IPC (added later on) has been registered at Police Station

Kotfatta, District Bathinda on the basis of the statement of Jaswant Singh.

It has been alleged that on 28.09.2020 at about 9:00 P.M., the petitioner alongwith Rajwinder Singh, Birbal Singh, Kulwant Singh and Gurpreet Singh arrived in front of the main gate of the house of the complainant. The petitioner raised lalkara. The assailants entered the house and Rajwinder Singh inflicted gandas blow on the complainant and petitioner inflicted stick blow on the right elbow. An alaram was raised which attracted Harbans Singh, the brother of the complainant, Birbal Singh inflicted stick blow on the face of Harbans Singh, Kulwant Singh inflicted stick blow on the left side of the waist and Gurpreet Singh inflicted stick blow on the back, Rajwinder Singh inflicted gandas blow on the waist and shoulder of Harbans Singh.

It has been stated by learned counsel for the petitioner that at the first instance, the FIR was registered under Sections 452/324/323/148/149 and 506 of IPC. The arrest of the petitioner was effected on 12.10.2020 and subsequently released on bail on 25.10.2020 in pursuance of the order dated 21.10.2020 passed by Judicial Magistrate 1st Class, Talwandi Sabo. Thereafter, the offence under Sections 326 and 307 IPC have been added. It has been further stated that the stick has been recovered from the petitioner. The injuries under Sections 326 and 307 IPC have not been attributed to him and the injured has been discharged from the hospital.

Notice of motion.

On advance service of copy of the petition, Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

List on 28.01.2021.

In the meantime, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged

under Section 438 (2) of Code of Criminal Procedure. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from SI Gurvinder Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.11.2020 is made absolute.

January 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No