

CRM-M-39311-2020

Date of Decision: 12.01.2021

Arun alias Anku

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gaurav Partap S. Pathania, Advocate, for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 0116 dated 27.09.2020, registered at Police Station Taragarh, District Pathankot, for the alleged commission of offences punishable under Sections 353, 186, 332, 308, 148 and 149 of the IPC.

On 01.12.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

A gazetted officer is directed to file a reply to the petition, including paragraphs no. 4, 5 and 6 to which learned counsel for the petitioner has pointed to submit that the media interview of the complainant in the FIR, i.e. ASI Dalip Singh, is not at all in terms of the FIR that he has got registered.

Adjourned to 12.01.2021.

If the affidavit is not filed the SSP, Pathankot, shall be summoned to court by way of video conferencing.”

Pursuant to the said order, a reply by way of an affidavit of the ASP, Pathankot (Rural), District Pathankot, has been filed, in which it is stated that as regards the interview given to the press by ASI Dalip Singh and Punjab Home Guard Kamal Kishore, that was done under pressure of the press before the lodging of the FIR and consequently, those statements would have no bearing on the statements made in the FIR.

Otherwise of course the detailed reply also gives therein the antecedents of the petitioner showing that he is involved in other criminal offences also, mainly those punishable under the provisions of Sections 379/379-B of the IPC and Section 61 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner points to the fact that though the injuries are otherwise shown to be simple injuries even as per the MLRs annexed with the reply, eventually on an application made by the investigating agency to the police, specifically asking as to whether the injuries on the head of Kamal Kishore could have been dangerous to life or not, it has been opined by the doctor that they may have been dangerous to life.

Without making any comment on the actual merits of the case, the petitioner also having been now in custody for more than three months, with the report under Section 173 of the Cr.P.C. having been submitted to the competent court, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

January 12, 2021

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Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.