

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

**CRM-M-39487-2020
Date of decision: 08.01.2021**

Parveen Kumar @ Prince

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rubal Garg, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in F.I.R. No. 358 dated 11.10.2020, under Sections 120-B, 148, 307, 323, 341 and 365 IPC read with Section 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Sadar Fazilka, District Fazilka.

The operative part of the order dated 26.11.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner inter alia contends that there is inordinate delay of 24 hours in registration of FIR and that too unexplained one. He further submits that alleged occurrence took place at about 6:15 pm on 10.10.2020 and that too at Fazilka. He further submits that at the relevant time petitioner was spending some time with his friends in Chandigarh and the said fact can be verified from the CCTV footage installed in the market of Sector 37-C Chandigarh (Annexure P-1). He further urges that on the same day (10.10.2020) at 6:00 pm petitioner got a traffic ticket for a traffic violation near Cheema Cut, Phase-V, Mohali, while he was proceeding

from Sector 17 to Sohana Gurdwara Sahib, for wrongly taking U-turn on the road, vide Challan Violators Copy dated 10.10.2020 (Annexure P-2). He further urges that challaning Police Official ASI Jagraj Singh of Police Station Phase-I, Mohali, has also made statement (Annexure P-5) regarding traffic violation by petitioner at 06:00 pm on 10.10.2020, in terms of which, offending vehicle was car bearing registration No.PB61-C-0101. He further submits that once alleged occurrence took place at Fazilka, which is situated at a distance of 270 kilometers from Mohali, alleged presence of petitioner at Fazilka on 10.10.2020 at about 6:15 pm is altogether afterthought version at the instance of complainant party just to rope in petitioner in the array of accused. He further submits that as per allegations as set up in the FIR, only Lalkara has been attributed to the petitioner in the commission of alleged offence and even otherwise injuries sustained by complainant-injured Hansraj Golden and that too attributed to co-accused, are simple in nature, as is evident from MLR (Annexure P-7). He further submits that allegedly no fire-arm injury was caused to the said Hansraj Golden. He further submits that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

Mr. Sandeep Singh Deol, DAG Punjab accepts notice on behalf of respondent-State and seeks time to file reply. Complete copy of paper book has been supplied to learned State counsel.

Adjourned to 08.01.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 26.11.2020, has already appeared before the

SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from Inspector Baldev Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 26.11.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

08.01.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No