

CRM-M-44313-2021 (O&M)

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

(101)

CRM-M-44313-2021 (O&M).
Date of Decision:-22.10.2021.

Sunny Arora and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory/pre-arrest bail to the petitioners in criminal case arising out of FIR No.156 dated 14.10.2020, registered under Sections 452, 323, 324, 506, 148 and 149 of IPC, registered at Police Station City, Jagraon, District Ludhiana.

Learned counsel for the petitioner has submitted that even as per the prosecution case, the petitioners have not played any active role in the alleged incident and in fact, the prosecution version is that when the incident had taken place, the mother of the complainant, namely, Manjeet Kaur, had come out of the room and raised hue and cry, where she saw two boys, the petitioners, on a motorcycle standing in front of her house and

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they were attributed to be also raising “lalkaras”. It is submitted by the learned counsel for the petitioners that neither the petitioners had been attributed any injury nor they were alleged to be armed with any weapon. It is submitted that in fact, the petitioners were not present on the spot.

Notice of motion.

On advance notice, Mr. Saurav Khurana, learned DAG, Punjab, appears and accepts notice on behalf of the respondent-State and is fully prepared in the matter to assist the Court. He has opposed the anticipatory bail application by stating that in fact, large number of persons had formed an unlawful assembly and had caused injury including an injury attracting the provisions of Sections 323 and 324 of IPC. However, the learned State counsel could not dispute the fact that no specific injury has been attributed to the petitioners nor they were armed with any weapon.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that even as per the prosecution version, the petitioners have not been attributed any injury nor were stated to be armed with any weapon, this Court deems it appropriate that the present petition deserves to be allowed.

Accordingly, the present petition is allowed and the petitioners are granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) of Cr.P.C. However, the petitioners shall join the investigation as and when called upon to do so.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed

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independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

Since the main case has been allowed, pending miscellaneous application, if any, shall also stand disposed of.

(VIKAS BAHL)
JUDGE

October 22, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No