

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

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**CRM-M No.40229 of 2020
Date of Decision:17.03.2021**

GAGANDEEP

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

Mr.Sandeep Gahlawat, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.274 dated 27.09.2020 under Sections 341, 323, 342, 364, 382, 506, 211, 148, 149 IPC and Section 25 of the Arms Act registered at Police Station Civil Lines, Patiala District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant and his friend Rakesh Kumar @ Gogi were going on the motorcycle for getting medicine. On the way, petitioner along with his father Brij Lal, brother Amandeep and Lalli along with 4-5 persons were found present duly armed with sticks and rods. Complainant and said Rakesh Kumar @ Gogi were apprehended by the said persons.

Amandeep hit the complainant on the right side of his eye with baseball bat. Petitioner hit the complainant on his right leg with an iron rod. Brij Lal hit the complainant on the back and the head with a stick. Rakesh Kumar @ Gogi ran away from the spot. Complainant was taken inside the house of the petitioner where brother of the petitioner, namely, Gotamjeet gave kick and fist blows to the complainant, damaging the right side of his face and eye. The country made pistol was put on the backside of the waist of the complainant. With this background, FIR came to be registered.

Learned counsel for the petitioner further submits that there was no occasion for the complainant and his friend Rakesh Kumar @ Gogi to come in front of the house of the petitioner in order to fetch medicine for Rakesh Kumar @ Gogi. House of the petitioner is in the interior place of the colony, whereas, the complainant party had easy access to the main road from their house. Complainant had actually come to attack the petitioner and his family members along with his friend Rakesh Kumar @ Gogi. Rakesh Kumar @ Gogi had lodged FIR No.242 dated 26.09.2020 i.e. a day earlier to the present occurrence, in police station Kotwali Patiala against the petitioner, his brother Gotamjeet and one more person. The said FIR was under bailable offences and was registered as a

counter blast to the earlier FIR No. 227 dated 24.08.2020, police station Civil Lines Patiala, in which present complainant and his friend Rakesh Kumar @ Gogi were the accused. There is no medical record available on record. No MLR of the complainant was prepared in the hospital. Rather the complainant left the hospital against medical advice.

Notice of motion was issued on 03.12.2020 and arrest of the petitioner was stayed.

Today, learned State counsel, on instructions from ASI Kuldeep Singh, submits that the police does not require the presence of the petitioner.

In view of above, this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 20.03.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

March 17, 2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No