

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

CRM-M-4123-2022 (O&M)

Date of decision: 17.03.2022

Varinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 243 dated 28.11.2021 registered under Sections 148, 149, 323, 395, 458, 307 IPC and Section 325 IPC added later on, at Police Station Bhawanigarh, District Sangrur.

Status report by way of affidavit dated 11.03.2022 of the Deputy Superintendent of Police, Sub-Division Bhawanigarh, District Sangrur, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that no specific role has been attributed to the petitioner; and that even in the video recording in the Civil Hospital, the complainant and his family members had stated that 15-17 unidentified persons had attacked them. The learned Additional Sessions Judge, Sangrur, while declining the bail application of the petitioner has drawn a conclusion that no specific role has been attributed

to the petitioner.

He further submits that the petitioner was not named in the FIR, in his supplementary statement recorded after three days, the complainant stated that at the time of registration of the FIR, he was under the influence of the medicine and forgot the name of the petitioner but now he is sure about the involvement of the petitioner in the crime, but not attributed any specific role to him.

Learned State counsel also does not dispute the fact that though the petitioner is named by the complainant in his supplementary statement but no specific role has been attributed to him.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

17.03.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No