

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

**CRM-M-21599-2022 (O&M)
Date of Decision: July 18, 2022**

DAVINDER SINGH Petitioner(s)

Versus

STATE OF PUNJAB Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jasmail Singh Brar, Advocate
for the petitioner.
Ms. Sunint Kaur, Asst. AG., Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 138 dated 08.09.2019 under Sections 186, 353, 451, 177, 147, 505, 506 IPC, Police Station City Batala, District Gurdaspur.

Learned counsel for the petitioner submits that petitioner is 73 years old having no connection with the persons named in the FIR. It is submitted that petitioner is not named in the FIR and in-fact was engaged in locating his grandsons and was not part of the mob which is alleged to have entered the place of occurrence. It is further submitted that perusal of the video footage also shows that no active role has been attributed to the petitioner and no offence as alleged is made out qua the petitioner and he is not involved in any other criminal case. While noting these contentions, notice had been issued to the State and petitioner directed to join investigation.

Learned counsel for the State, on instructions from ASI Gurdial

Kumar, informs that petitioner has indeed joined investigation and has

cooperated with the investigation and his custodial investigation, it is stated, is not required. Learned counsel for the State further verifies that the role attributed to the petitioner is that he was seen standing behind the main co-accused as per the video footage. It is further verified that the petitioner is 73 years old and is not involved in any other criminal case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 31.05.2022 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

July 18, 2022
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No