

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

CRM-M-38407-2022(O&M)

Date of decision:-28.10.2022

Mandeep Singh @ Bhura and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Petition qua petitioner No.1 – Mandeep Singh
dismissed as withdrawn vide order dated 9.9.2022.

Mr.K.S. Derabassi, Advocate
for petitioner No.2.

Mr.G.S. Dhillon, AAG, Punjab.

H.S. MADAAN, J.

1. This petition under Section 438 Cr.P.C. for pre-arrest bail was been filed by the petitioners Mandeep Singh @ Bhura and Saurav, both of them being accused in FIR No.0063 dated 6.3.2020, under Sections 323/341/458/506/148/149 IPC, registered with Police Station Dera Bassi, District SAS Nagar (Mohali). However, subsequently, counsel representing both the petitioners, withdrew the petition as regards petitioner No.1 Mandeep Singh @ Bhura and the same was accordingly

dismissed as withdrawn vide order dated 9.9.2022. Now the entitlement of petitioner No.2 Saurav to grant pre arrest bail is to be seen.

2. Briefly stated, the facts of the case as per the prosecution story are that on 3.3.2020 complainant Sunny, a labourer was sitting in his house with his family; at about 10:00 p.m. on hearing knock at the door of his house, he along with his father went out and observed 8-9 persons possessing arms, like kirpan and sticks, who had trespassed in their house; such trespassers included Ravi Kumar son of Pawan Kumar, holding a sword; Ravi Kumar swung the sword towards the complainant Sunny since Pawan Kumar father of Ravi Kumar told him that Sunny was abusing him; Ravi Kumar gave a sword blow on the head of the complainant Sunny; thereafter Dilawar Singh started beating him up with the help of stick of spade; Bhura, Jaggi, Manu having dandas also beat up the complainant Sunny; when father of Sunny tried to intervene, he was also beaten up; Binder Singh son of Ajmer Singh and Roshan had also joined and gave beatings to the complainant. On information being given to the police, formal FIR was registered.

3. On registration of formal FIR, apprehending their arrest in this case, the petitioners had approached the Court of Sessions at SAS Nagar (Mohali) seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 22.7.2022. As such, the petitioners have approached this Court asking for similar relief.

4. Notice of the petition was given to respondent – State, which put in appearance through counsel.

5. I have heard learned counsel for the parties besides going through the records.

6. Learned counsel for the petitioner has contended that in terms of the direction issued to petitioner No.2 Saurav while granting him interim bail on 19.9.2022, he has since joined the investigation and rendered full cooperation, therefore, the present petition be accepted.

7. Learned State counsel on instructions from ASI Gaurav Sharma has admitted the factum of petitioner No.2 Saurav having joined the investigation on 21.9.2022 further stating that custodial interrogation of the petitioner is not required.

8. It being so, the petition is allowed and the interim bail granted to the petitioner No.2 Saurav on 19.9.2022 is made absolute, subject to the following conditions:

(i) that he shall make himself available for interrogation by police officer as and when required;

(ii) that he 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 from disclosing such facts to the Court or to any police officer;

(iii) that he shall not leave India without the previous permission of the Court; and

(iv) that he shall surrender his passport before the Investigating Officer and if he is not having passport, then shall file an affidavit in that regard.

In case the petitioner No.2 Saurav violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail granted to him.

28.10.2022

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**