

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**202**

**CRM-M-51544-2021**

**Date of decision: 08 th Feburary, 2022**

**TALWINDER SINGH**

.....Petitioner

Versus

**STATE OF PUNJAB**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Mohit Jaggi, Advocate  
for Mr. Ajay Pal Singh Rehan, Advocate  
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab  
for the respondent.

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**SANT PARKASH, J.(Oral)**

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case, FIR No.205 dated 17.08.2020 registered under Sections 323, 324, 452, 307, 379-B, 427, 506, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Tanda, District Hoshiarpur to which Section 326 IPC was added later on.

The present FIR was registered against co-accused Talwinder Singh son of Samittar Singh and 7/8 unknown persons on statement of Rohit Kumar who alleged that the accused persons in

connivance with each other had caused injuries upon him, his father and his cousin sister.

The allegation against the present petitioner is that he along with other co-accused came in Swift Car and caused injuries to father of the complainant at first and thereafter the accused persons caused injuries to complainant Rohit Kumar and slapped Diksha Rani cousin sister of complainant and also snatched her mobile phone and manhandled her as she was making a video of the said incident on her mobile phone.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Raj Kumar PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur.

I have heard learned Counsel for the parties and have gone through the case file.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. The petitioner was not named in the FIR nor made an accused in the challan presented by the police. The name of the petitioner has cropped up in the present FIR on statement of co-accused Talwinder Singh son of Samittar Singh. In the entire challan presented by the police, there is no mention of the role of the present petitioner. The petitioner is not attributed for inflicting any injury. The custodial interrogation of the petitioner is not required. The petitioner is ready and willing to join the investigation.

Opposing the contentions, learned State Counsel in view of

reply/status report has submitted that the present petitioner was mentioned as unknown person in the present FIR and his name has surfaced as an accused in the statement of co-accused Talwinder Singh son of Samittar Singh. The role attributed to the present petitioner Talwinder Singh is that he along with other co-accused came in Swift Car and caused injuries to Des Raj at first and after that they caused injuries to complainant Rohit Kumar son of Des Raj and slapped Diksha Rani cousin sister of complainant Rohit Kumar and snatched her mobile phone and also caused injuries to Rekha Rani and broke car of Jiwan parked outside the house of the complainant and also damaged glasses of windows and doors of the houses of the neighbours of complainant Rohit Kumar.

Learned State Counsel has further submitted that the petitioner and other co-accused in connivance with each other had caused 9 injuries on the person of injured Des Raj, 5 injuries on the person of complainant Rohit Kumar and 3 injuries on the person of Rekha Rani. The allegations against the petitioner are serious and custodial interrogation of the petitioner is required for thorough and fair investigation. Therefore, the present petition for grant of anticipatory bail may be dismissed.

After having heard and considering the factual aspects as discussed above, as alleged, though the petitioner participated in the crime but he was not armed with any deadly weapon and no specific injury is attributed to the petitioner, the petitioner was not named in the FIR and was nominated as an accused on statement of co-accused

Talwinder Singh son of Samittar Singh, the custodial interrogation of the petitioner is not required for effecting any recovery, the present petition is disposed of with a direction to the petitioner to join the investigation and the petitioner shall remain present as and when called for and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer subject to the adherence of the conditions as specified under Section 438(2) Cr.P.C.

08.02.2022  
kavneet singh

(SANT PARKASH)  
JUDGE

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