

303 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1327-2023

Date of decision: 14.11.2023

PARMINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Raj Kumar Rathore, Advocate
for the complainant(legal Aid counsel).

VIVEK PURI,J. (ORAL)

1. On 11.01.2023, the following order was passed:-

“ The petitioner-Parminder Singh has filed the present petition under Section 438 Cr.PC for grant of anticipatory bail in FIR No.154 dated 14.07.2022, registered under Section 323, 342, 354, 354-A, 379-B, 506, 148, 149 IPC at Police Station Bhawanigarh, District Sangrur.

Learned counsel for the petitioner argued that the petitioner is not named in the FIR and the other co-accused Harvinder Singh and others were granted interim bail vide order dated 08.08.2022 and 06.12.2022 in CRM-M-34918-2022 (Annexure P-3 and P-4). The anticipatory bail application of the present petitioner was wrongly declined. He is ready to join investigation.

Mr. Raj Kumar Rathore, Advocate has appeared on behalf of the complainant and filed Memorandum of Appearance.

Learned counsel representing the State prays for an adjournment to file status report.

Considering these facts the arrest of the petitioner is stayed till the next date of hearing, subject to joining of investigation.

Adjourned to 13.02.2023.

Reply/status report be filed by the respondent-State by the adjourned date.”

2. Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of interim directions. The offence under Section 201 IPC has also been added on the score that the mobile phone has not been got recovered. In fact, the allegations with regard to snatching of mobile phone are false and the petitioners are not in possession of any mobile phone. The offence under Section 201 IPC is bailable.

3. On instructions from ASI Kulwinder, learned State counsel submits that the petitioners have joined the investigation but the mobile phone and the weapon of offence has not been got recovered and consequently, offence under Section 201 IPC has been added which is otherwise bailable.

4. The learned counsel for the complainant has also opposed the bail application on the score that the occurrence has been videographed and the same has been handed over to the Investigating Agency.

5. It has not been disputed that in pursuance of the interim directions, the petitioners have joined the investigation and there is a civil dispute between the parties. The injuries are stated to be simple in nature.

6. In these facts of circumstance, the petition is allowed and it is directed that in the event of arrest the petitioner shall be admitted on bail to the satisfaction of the Arresting officer and the petitioner shall also comply with the provisions of Section 438(2) Cr.P.C.

14.11.2023
joyti

(VIVEK PURI)
JUDGE

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