

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22570 of 2022(O&M)

Date of Decision: 12.01.2023

Nupinderjit Singh

...Petitioner

Versus

State of Punjab & Anr

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Madan Sandhu, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

Mr. Karanvir Nanda, Advocate
For the complainant.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 495 dated 08.12.2019, registered under Sections 452, 427, 447, 148 and 149 IPC at Police Station City Barnala.

The counsel for the petitioner *inter alia* contends that the petitioner who is a young boy has been falsely implicated in the present case at the instance of the complainant after about more than 02 years of alleged occurrence. The counsel for the petitioner further submits that the petitioner was not named in the FIR and as per the allegations recorded in the FIR Sukhwinder Singh, Manpreet Kaur, Paramjit Singh, Harvinder Kaur, Balvir Kaur and Kuldeep Singh accompanied by 20-25 unknown persons trespassed into the house of the complainant, all of whom were armed with different weapons and they damaged the house of the complainant. The

counsel for the petitioner further submits that it is the admitted case of the complainant that at the time of the alleged occurrence the accused persons had not attacked the complainant or any other person belonging to his family. It is further submitted that the petitioner has already joined the investigation with the police in the light of order of interim bail passed by this Court.

The present petition is contested by the State counsel as well as counsel for the complainant both of whom have submitted that the petitioner is the main person who led the unlawful assembly which attacked the house of the complainant. The counsel have further submitted that there is apprehension that if the petitioner is granted anticipatory bail, he is going to abscond as earlier also he was arrested from Indira Gandhi International Airport, New Delhi by the Delhi Police vide GD No. 42-A dated 24.09.2022 and the copy of the same is already placed on record. However, the State counsel has not disputed the fact that the petitioner has joined the investigation with the police.

I have considered the submissions made by counsel for the parties.

The allegations against the accused persons are that they constituted unlawful assembly and trespassed into the house of complainant and caused damage to the said house and at that time all of them were armed with different weapons. All the offences are triable by the Court of Judicial Magistrate Ist Class. Apparently, it appears to be a no injury case and the petitioner was not named in the FIR and was lateron nominated as accused

on 22.04.2022 and he has joined the investigation with the police by

virtue of order of interim bail passed by this Court. So, no purpose is going to be served by subjecting the petitioner to custodial interrogation at this point of time. To repel the apprehension which is there in the mind of complainant that if the order of interim bail is made absolute, the petitioner is going to abscond, direction could be given to the petitioner to surrender his passport in the Court concerned.

For the foregoing reasons, without commenting on the merits of the case, the present petition is allowed and the order of interim bail dated 23.05.2022 is made absolute. The petitioner should abide by the conditions as envisaged under Section 438(2) Cr.P.C. and should surrender his passport before the Illaqa Magistrate/ trial Court concerned.

12.01.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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