

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

CRM-M-23734-2023

Date of Decision:03.07.2023

Anmol@Abmol Kapoor

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. K.S Brar, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.120, dated 30.03.2023, under Sections 307, 34 IPC and under Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City, Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that as per the FIR (Annexure P-1), he is simply shown to be present at the spot and admittedly, no overt act has been attributed. He further contends that as per the complainant, Ladoo, co-accused had exhorted all other co-accused to cause injuries to the injured/complainant Amandeep and vide the order dated 25.04.2023 (Annexure P3) passed by the Court of Sessions Judge, Ferozepur he was admitted to anticipatory bail. He further contends that the injury, which attracted the offence under Section 307 is attributed to co-accused Sukha. He further contends that Sukha and Rajvir have already arrested and are in custody.

Learned counsel further contends that no recovery has been effected from him and his custodial interrogation is not required.

Learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by contending that the petitioner had called his co-accused Sukha and Rajvir at the spot and serious injuries were inflicted on the person of the complainant namely, Amandeep Singh.

I have heard learned counsel for the parties and perused the record with their assistance. It is not disputed that as per the complainant, the petitioner was only present at the spot and no overt act has been attributed to him. Even no recovery has been effected from him.

Taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety to the satisfaction of the Arresting/Investigating Officer.

The petitioner shall continue to join investigation as and when required by the investigating agency and shall abide by the provisions of Section 438 (2) Cr.PC.

03.07.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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