

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 256

CRM-M-25556-2022

Date of decision : 12.01.2023

Vijay Kumar @ Vijay Ghai and others

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ravi Malhotra, Advocate, for the petitioners.

Mr.A.P.S.Tung, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in FIR No.40 dated 14.05.2022 registered under Sections 323, 341, 506, 148, 149 IPC (Section 25 of the Arms Act, 1959 added later on) at Police Station Division No.1, District Ludhiana.

On 02.06.2022 this Court had passed the following order: -

“Prayer is for grant of anticipatory bail in case FIR No.40 dated 14.05.2022 under Sections 323,341,506,148,149 IPC (Section 25 of the Arms Act, 1959 added later on) registered at P.S Division No.1, District Ludhiana.

FIR was lodged on the complaint of one Suraj Singh, who stated that on 01.05.2022, he was taking sugarcane juice at Pink Plaza Market, Ludhiana. After drinking the juice, he placed the empty glass under the cart/rehri. Davinder Singh @ Binder, who was standing there, told the complainant to put the glass somewhere else. He also started abusing the complainant. When the complainant asked him not to abuse him, Davinder Singh @ Binder started beating the complainant. People rescued the complainant whereafter he went back to his shop. On the same day, at about 7.30 p.m, when the complainant was returning home and reached near Electricity Office, then the petitioner along with Gaurav Kumar @ Gora, Mandeep Singh @ Allu and Jeeta armed with baseball bat and sticks encircled the complainant and started beating him. One Kaku-friend of the complainant came there to aid him. Meanwhile, Gaurav Kumar @ Gora called his friends named Rinku Ghai, Vijay Ghai, Kalu Hans, Monu Sharma, Laddu and 6-7 unidentified persons, who gave beatings to the complainant as also his friend Kaku. They were all armed with sticks and baseball bats. Upon hue and cry being raised, people gathered there and the assailants fled away.

Learned counsel for the petitioner contends that all the injuries sustained by the complainant are simple. There is no allegation that any of the assailants was carrying fire arm. FIR has been lodged

after a delay of 14 days. The petitioner is ready and willing to cooperate with the investigating agency.
Notice of motion for 12.09.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioners have not only joined the investigation but have also cooperated with the same as also that the State does not require the petitioners' custodial interrogation.

In the light of the submissions made on behalf of the petitioners as have been recorded in the afore quoted order as also the statement made on behalf of the State, the order of this Court dated 02.06.2022, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

12.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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