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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM M - 36723-2023

Date of decision: 31.07.2023

*Jashanpreet Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat****Present: Mr. Neeraj Yadav, Advocate
for the petitioner**

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 0226 dated 22.08.2022, registered under Section 307 of the Indian Penal Code (Sections 148, 149 IPC and Sections 25, 27, 54 of the Arms Act added later on), at Police Station Jandiala, Amritsar (Annexure P1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even his name was not mentioned in the FIR at the first instance. His name has been involved later on. Even as per the allegations of the prosecution, the only role attributed to the petitioner is that he was one of several persons, who gave beatings to the injured. However, with the similar allegations, another co-accused, namely, Akashdeep Singh has already been granted concession of anticipatory bail by this Court vide order dated 13.03.2023 passed in CRM M 10810-2023. Nothing is to be

recovered from the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General Punjab accepts notice on behalf of the respondent - State.

Counsel for the State, on instructions from ASI Harjinder Singh, has submitted that the petitioner has specifically been named by the injured as a person involved in the beatings. Therefore, the petitioner is directly involved in the case. However, it is not disputed that the petitioner was not name in the FIR at the first instance and that the co-accused of the petitioner has already been granted concession of bail by this Court vide order dated 13.03.2023 passed in CRM M 10810-2023.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 31, 2023

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