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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 43137-2023
Date of decision: 31.08.2023*Vishal Singh alias Bamb*.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Prateek Pandit, 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. 63 dated 07.08.2022, registered under Sections 323, 324, 325, 326, 148, 149 of the Indian Penal Code (offences under Sections 325, 326 of the Indian Penal Code added later on) at Police Station Begowal, District Kapurthala. (Annexure P-1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner has not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is alleged to have caused injury on the left elbow of the complainant, which is simple in nature. There are similar allegations against another co-accused, namely Bhupinder Singh *alias* Inderjit Singh, who has already been granted concession of pre arrest/anticipatory bail by this Court. The petitioner shall join the investigation as and when called by the police.

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

Notice of motion.

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

Counsel for the State, being instructed by ASI Daljeet Singh has submitted that there are specific allegations against the petitioner. The injury is alleged to have been caused by the petitioner with *dattar* blow. The weapon of offence is yet to be recovered by the police. The investigation is at the initial stage. Therefore, the petitioner does not deserve to be protected against his arrest. However, it is not disputed that the co-accused namely Bhupinder Singh *alias* Inderjit Singh, with similar attribution, has already been granted concession of pre-arrest bail by this Court.

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/surety bonds 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

August 31, 2023

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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No