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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 44044-2023
Date of decision: 04.09.2023*Gurdev Singh alias Gavy**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Sukhdeep Singh Bhinder and
Mr. Dilraj Singh Bhinder, Advocates
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. 125 dated 10.08.2023 registered under Sections 458, 324, 323, 427, 506, 148 and 149 of the Indian Penal Code (Section 325 IPC added later on), at Police Station Barnala, District Barnala (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the petitioner is not alleged to have caused any injury to any person involved in the said fight. The only allegation against the petitioner is that he has damaged door of the house of the complainant. There is no other case against the petitioner. 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 Gurtej Singh has submitted that the petitioner has been a part of the unlawful assembly and had damaged the door of the house of the complainant. Therefore, it cannot be said that the petitioner was not a participant in the alleged crime. However, it is not disputed that no injury is attributed to the petitioner in the present case, and that, there is no other case against the petitioner.

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

September 04, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No