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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 44570-2023
Date of decision: 06.09.2023*Sandeep Sharma**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Ankush Singla, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) 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 323, 324, 427, 458, 506, 148, 149 of the Indian Penal Code (offence under Section 325 IPC added later on) at Police Station Barnala, District Barnala (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. Undisputedly, the complainant side has also caused injuries to the uncle of the petitioner in the same incident and there is a medico legal report qua those injuries, as well. The police have been acting totally in a casual and *mala fide* manner in the present case and till date, no person has been arrested from the complainant side. A false case has been foisted against the petitioner by the police. Even as per the story of the prosecution, the injury attributed to the petitioner in the case is declared to be simple in nature by the medico legal opinion.

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.

3) Notice of motion.

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

5) Counsel for the State, being instructed by ASI – Gurtej Singh has submitted that the petitioner is directly involved in the crime and has been attributed injuries to the complainant and his cousin. However, it is not disputed that the injury so attributed to the petitioner in the case; is declared to be simple in nature. It is also not disputed that there is no other case against the petitioner, and that, even the complainant had caused the injury to one of the persons of the petitioner side and nobody has been arrested from complainant side so far.

6) 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 06, 2023

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