

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47027 of 2023 (O&M)
DATE OF DECISION: 22nd SEPTEMBER, 2023

Sunil Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rituraj Singh, Advocate
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0122 dated 11.08.2023 registered under Sections 452, 323, 324, 341, 506 and 34 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story put up by the police, the petitioner is not attributed any injury to the complainant or to any other person. The only allegation against the petitioner is that he asked the injured to come out from the house to meet the co-accused. Even as per the story of the prosecution, the petitioner had gone away from the spot. There is no other case against the petitioner. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

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

5. Learned State counsel, being instructed by ASI Balbir Singh, has submitted that the petitioner is one of the members of the group who caused injuries to the complainant. The petitioner very much participated in the incident in which the injuries were received by the complainant from the co-accused, namely Akashdeep and Rattan Lal @ Radhey @ Ratta. However, it is not disputed by learned State counsel that the petitioner had already left the place when the injuries were caused by the co-accused. It is also not disputed that there is no other case against the petitioner.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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.

22nd SEPTEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No