

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105-2

CRM-M No.47417 of 2023

DATE OF DECISION : 20th SEPTEMBER, 2023

Joga Singh @ Yoga Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Kushagra Mahajan, Advocate
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.25 dated 24.03.2022 registered under Sections 336, 427, 458, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Jhabal, District Tarn Taran.

2. The counsel for the petitioner has submitted that the case against the petitioner is totally frivolous and concocted one. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the allegation against the petitioner is that the petitioner along with some other persons had entered into the house of the complainant and had given fist blows, kicks, brick-bats blows and had thrown stones. Besides this, the allegation is that the accused, jointly, had put on fire the motorcycle and alto car belonging to the complainant. In fact, the present case is a case of version and cross-version, wherein the son of the complainant has caused grievous injury to one Vikramjeet Singh from the side of the present petitioner. Despite that, neither the son of the complainant nor any other person from the side of the complainant

has been arrested by the police so far. Nothing is to be recovered from the petitioner. Hence, the petitioner deserves to be protected against his arrest in the present case.

3. Notice of motion.
4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State.
5. The counsel for the State, on instructions from ASI Salwinder Singh, has submitted that the petitioner is specifically named in the FIR as one of the assailants, who had entered into the house of the complainant and had given brick-bat blows, besides burning the motorcycle and car. Therefore, the custodial interrogation of the petitioner is imperative in this case. However, it is not disputed that present case is a case of version and cross-version and that even the complainant side has also caused grievous injury to one of the person from the side of the petitioner and, despite that, there has been no arrest by the police; from the side of the complainant.
6. In view of the above, the present petition is allowed. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of 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.

20th September, 2023

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(RAJBIR SEHRAWAT)

JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No