

S. No.209

2023:PHHC:163313

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-52818 of 2023

Date of Decision:19.12.2023

**Chirag @ Chirag Verma
Vs.**

.....Petitioner

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Har Kanwar Jeet Singh, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.58 dated 29.03.2023 registered under Sections 323, 307, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station Division No.8, Ludhiana.

Petitioner prayed for the same benefit as prayed for before the Court of learned Additional Sessions Judge, Ludhiana but his petition was dismissed on the ground that it is not maintainable after observing that petitioner has no apprehension of being arrested being a juvenile.

Learned counsel for the petitioner has referred to order dated 14.07.2023 passed by a co-ordinate Bench of this Court in CRM-M-25820 of 2023 (Annexure P.6) in which reference was made to order dated 08.07.2020 passed in CRM-M-17856 of 2020 wherein issue regarding maintainability of a petition for grant of pre-arrest bail in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is pending before a Division Bench of this Court and interim protection granted earlier was made absolute by the Division Bench. Similar orders have been passed subsequently by different Benches in various petitions.

Apart from above, learned counsel for the petitioner submits that petitioner is neither named in the FIR nor any specific injury is attributed to him.

Reply by way of affidavit of Ms. Jasroop Kaur Batth (IPS), ACP, Civil Lines, Ludhiana has been filed on behalf of the respondent- State.

Learned State Counsel concedes the fact that Nanu @ Sumit Sabarwal, Billu @ Mahi Gill, Sonu @ Champion and Ankit were specifically named to be the assailants who gave injuries to Husnain. Although it is stated in the FIR that some unknown persons gave fist blows to the injured and his friend but name of the petitioner does not find mention.

Learned State Counsel submits that name of the petitioner was disclosed later on by co-accused Ankit.

Having regard to the afore-said facts and circumstances of the case, this petition is hereby allowed. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

December 19, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No