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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 56277-2023
Date of decision: 08.11.2023

Jatinder Singh and others*Petitioners*
Versus
State of Punjab*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Inder Pal Singh, Advocate
for the petitioners
-.-

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 petitioners in case GD No. 31 dated 25.01.2023, registered under Sections 452, 324, 323, 427, 506, 148, 149 of the Indian Penal Code (offence under Section 326 IPC added later on), recorded in FIR No. 0008 dated 23.01.2023, registered under Sections 452, 323, 427, 148, 149, 506 IPC, at Police Station Khilchian Amritsar Rural, District Amritsar.

It is submitted by counsel for the petitioners that the case against the petitioners is totally false and concocted. The petitioners have not committed any crime as alleged against them. It is a case of version and cross version. The present DDR is the counter blast to the FIR; which was got registered by the side of the petitioner. Even as per the story of the prosecution, no specific injury has been attributed to any of the petitioners.

Moreover, the petitioners were not present at the spot when the alleged

incident took place. It is also submitted that some of the other co-accused of the petitioners have already been granted anticipatory bail by this Court, vide order dated 07.11.2023 passed in CRM M 56141-2023. The petitioners shall join the investigation as and when called for by the police. There is no other case against the petitioners. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

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

Counsel for the State being instructed by ASI Jiwan Singh has submitted that the petitioners are directly involved in the crime. There are specific allegations against all of them. The petitioners do not deserve to be protected against their arrest. However, it is not disputed by counsel for the State that the present is a case of version and cross version. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail, subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioners 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

November 08, 2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No