

CRM-M-6622-2024

Date of Decision: 15.02.2024

Rajwinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.003 dated 15.01.2024, registered under Sections 353, 186, 506, 342 of IPC (Sections 447, 511 IPC added later on), at Police Station Thulliwal, District Barnala.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and had not participated in the alleged occurrence. She further contends that now, it has been falsely alleged by the prosecution that the petitioner was named as Lakhwinder Singh in the FIR. In fact, the petitioner was never known as Lakhwinder Singh in the village. She further contends that it was a case of minor dispute between two neighbours with regard to the common wall and the present case has been registered by the police by colluding with the opposite party. She further contends that in the present case,

the ingredients of offence under Section 353 of IPC are completely missing and no recovery is to be effected from the present petitioner.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. It is apparent from the record that 3 co-accused, namely, Gurpreet Singh, Manpreet Singh and Surjit Kaur, who were charged with similar offence, have already been admitted to bail. Apart from that, the petitioner was not named in the present case and has no criminal antecedents.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

15.02.2024.
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(N.S.SHEKHAWAT)
JUDGE

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