



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M No.18498 of 2024
Date of decision: 27.05.2024

DAVINDER KUMAR
STATE OF PUNJAB

Versus

.... Petitioner
.... Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Arnav Kumar, Advocate for the petitioner.

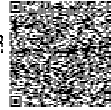
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Mr. Sukhbir Mandi, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 34, dated 05.03.2024, under Sections 341, 323, 354, 379, 506 and 34 of IPC (Sections 325 and 201 of IPC as added later on) at Police Station Moti Nagar, District Police Commissionerate Ludhiana.
2. Vakalatnama filed on behalf of the complainant is taken on record.
3. Vide order dated 16.04.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 16.05.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner seeking prearrest bail in case arising out of FIR No.34 dated 05.03.2024 registered under Sections 341, 323, 354, 379, 506 and 34 of IPC (Section 325 added later on) at Police Station Moti Nagar, District



Police Commissionerate Ludhiana on the basis of statement recorded by the complainant-Mahinder Singh alleging therein that on 27.02.2024 at about 9:30 A.M., he along with his wife were standing outside his house when the present petitioner along with his wife who are residing in his neighbourhood, came to them while carrying sticks and assaulted them thereby, causing injuries to them. The wife of the present petitioner hurled abuses to the wife of the complainant by using obscene words and tore off her T-shirt and the complainant also suffered fracture on his right arm. The cause of grudge as narrated by the complainant was that the petitioner illegally occupied the land where he is living.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. His custodial interrogation is not required and he is ready to join the investigation. It is argued that allegations qua his hurling abuses to the wife of the complainant and tearing off her T-Shirt are false on the face of record.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 27.05.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

4. Status report dated 27.05.2024 filed by the respondent-State is taken on record. As per the status report offences under Section 201 and 325 have been added later on vide GD No.7 dated 21.03.2024 and DDR No.17 dated 07.03.2024, respectively. As per this report, the petitioner has joined investigation on 23.04.2024. The investigation qua newly added offences has



also been joined by him. Though, it is submitted that the petitioner along with his wife had destroyed the CCTV cameras installed outside the house of the respondent-complainant and took the same away.

5. Learned State counsel assisted by learned counsel for the complainant has submitted that recovery of those destroyed cameras is yet to be effected. However, in the opinion of this Court, non-recovery is not a ground to deny the benefit of pre-arrest bail to an accused. No useful purpose would be served by detaining the petitioner in custody. All the basis of offences as alleged against him are triable issue before the Magistrate.

6. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 16.04.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

27.05.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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