

2024:PHHC:115768



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

102

CRM-M No.43107 of 2024
Date of decision: 03.09.2024

Baljit Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. Prayer in the present petition has been made by the petitioner for grant of pre arrest bail in case arising out of FIR No.119 dated 02.07.2024 registered under Sections 115 (2), 118 (1), 126 (2), 140, 190, 191 (3) of Bharatiya Nyaya Sanhita, 2023 at Police Station City Rajpura, District Patiala, on the basis of statement recorded by the complainant Harish Kumar alleging therein that on 01.07.2024 at about 10:30 PM, he along with his friend Gobinda had gone towards the cremation ground. While they were going back towards their house, suddenly a Swift Dzire

2024:PHHC:115768



car came from back side. The occupants of the said car stopped it in front of the complainant and his friend and intercepted them. One Sikh youth alighted from the driver seat of the car. Thereafter, the present petitioner and co-accused Romi came out and caught hold of the complainant. His friend Gobinda fled away from the spot. The complainant was forced to board in the car brought by the petitioner and the co-accused. After reaching the Dhamoli Chowk, they called the co-accused Tushar who reached there with his female friend and some unknown youths. Thereafter accused Romi, Tushar and the petitioner opened an assault upon the complainant. The petitioner struck blow with datar on his head. He was also extended beatings by the unidentified youth and it was only after some public persons had gathered there, that the assailants left the spot. On the basis of this statement and on receipt of medico legal report, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 12.08.2024.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had not assaulted the complainant. Rather he was the one who had taken him to hospital on a e-rickshaw. The medico legal report is inconsistent to the version of the

2024:PHHC:115768



complainant. The complainant had provided a CCTV footage to the investigating agency which is incomplete. The FIR is a counterblast to the FIR No.93 dated 24.05.2024 registered by co-accused Tushar against the complainant. The injury attributed to the petitioner is simple in nature. The custodial interrogation of the petitioner is not required. No recovery is to be effected from him. He is ready to join the investigation. The allegations of petitioner having abducted the complainant have not been established from the allegations levelled in the FIR as well as from the record. With these submissions, it is urged that the petition deserves to be allowed.

3. Per contra, it is argued by learned State counsel that the allegations against the petitioner are serious in nature. By forming membership of an unlawful assembly along with the co-accused and in prosecution of common object thereof, he voluntarily caused injuries to the complainant after abducting him. No extraordinary and sparing circumstance for extending benefit of pre arrest bail has been made out in favour of the petitioner. The CCTV footage collected during the course of investigation reveals that the complainant was badly injured by the petitioner and the co-accused and was taken in an e-rickshaw with his clothing torn. His custodial interrogation is required for conducting proper investigation in the matter by the police. It is, therefore, argued that the petition does not deserve to be allowed.

2024:PHHC:115768



4. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

5. As per the allegations, the petitioner with the co-accused had formed membership of an unlawful assembly and in pursuance of common object thereof, had forcibly made the complainant sit in his car and had extended beatings to him. The pen drive containing the CCTV footage which has been relied upon by both the sides has been annexed with this petition. The contents of the same have been seen by this Court. Though the complainant is being seen while sitting in a moving auto rickshaw in an injured condition, however, from this CCTV footage, no inference as to his being abducted can be drawn at this stage. The complainant had sustained simple injuries caused by blunt as well as sharp edged weapon. The subject offences are triable by Magistrate. No useful purpose would be served by detaining the petitioner in custody. Keeping in view the nature of the allegations as levelled in the FIR, the part attributed to the petitioner and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be extended benefit of anticipatory bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrendering before the Arresting/Investigating Officer within a period of one week

2024:PHHC:115768



from today and on his joining investigation and further subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

03.09.2024
manju

(MANISHA BATRA)
JUDGE

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