

***In the Court of Shri Sumeet Malhotra, Sessions Judge, Faridkot.
(UID No.PB0060)***

***Bail Application No.104 dated 08.03.2021.
CNR No.PBFD01-000831-2021.
CIS No. BA-251/2021.
Date of Order : 23.03.2021.
Pending for : 05.04.2021.***

Mandeep Sharma aged about 38 years, son of Dev Chand, resident of Guru Teg Bahadur Nagar, Gali No.03, Kotkapura, Tehsil Kotkapura, District Faridkot.

....Petitioner-Accused.

Versus

State.

.....Respondent.

Bail application under Section 438 Cr.P.C.

F.I.R.No.25 dated 15.02.2021.
Under Section : 457, 324, 323, 506, 34 IPC.
Police Station : City Kotkapura.
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Present : Shri Uma Shankar Sharma, Advocate, counsel for the accused-petitioner.
Shri Sahib Singh, Addl. Public Prosecutor for the State, assisted by Shri V.K.Monga, Advocate, proxy counsel for the complainant.

ORDER

1. ***Accused-petitioner Mandeep Sharma*** has approached this court for grant of anticipatory bail in case FIR No.25 dated 15.02.2021, under Sections 457, 324, 323, 506, 34 of the Indian Penal Code, Police Station, City Kotkapura.
2. Learned counsel for the petitioner states that the petitioner is innocent and has been falsely implicated in this case. He has argued that the petitioner is ready to join investigation of this case, however, he

apprehends his arrest as the offence is non-bailable. He thus prays for grant of anticipatory bail to the petitioner.

3. Per contra, learned Addl. Public Prosecutor for the State, assisted by Shri Vinod Kumar Monga, Advocate, learned proxy counsel for the complainant, has opposed the bail application on the ground that the recovery is yet to be made in this case and for that purpose, custodial interrogation of the petitioner would be required. Learned Addl. Public Prosecutor further informed this court that the result of the x-ray is yet to be received and thus the gravity of the injury is not finalized. He further acknowledged the fact that it may take some time to get the medical record concerning the injury in question.

4. I have considered the rival contentions of all the learned counsel and have gone through the record of the case.

5. The present FIR is lodged on the statement of Bakshish Sharma recorded on 15.02.2021. The occurrence is said to have taken place on 07.02.2021 at 9 P.M. There is apparent delay in reporting the matter to the police, which is not explained. As per the allegations, the petitioner Mandeep Sharma is armed with base ball bat and said to have inflicted injury on the back side of the complainant, besides the allegations of kicking in the abdomen. Keeping in view the totality of circumstances as well as the nature of the offence, I deem it fit and appropriate to grant *interim anticipatory bail* to the accused-petitioner ***Mandeep Sharma***. He is, therefore, directed to join investigation in this case as and when called for by the investigating agency. However, in the

event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of Investigating Officer/Arresting Officer/Duty Officer, as the case may be. The petitioner shall abide by the terms and conditions of the provisions of Section 438(2) Cr.P.C. A copy of this order be sent to the S.H.O of concerned police station for compliance. File be put up on **05.04.2021** for further proceedings, on which date, police record be also put up.

Dated : 23.03.2021.

deepak grover

(Sumeet Malhotra)
Sessions Judge,
Faridkot.
UID No.PB0060.