

CNR No. CHCH01-001171-2022

BA - 308/2022

Surinder Singh Versus State

Present: Sh. Sunil K. Dixit, Advocate, counsel for applicant.
Sh. Jagmohan, PP for the State.

ORDER

Arguments on the bail application u/s 438 Cr. P. C. heard.

2. It is submitted by the applicant as well as argued by his learned counsel that he is working as motor mechanic since 2002. In the year 2007-08, he along with Avtar Singh took booth No.294, Motor Market, Sector 48, Chandigarh on rent. Both of them were sharing the payment of rent equally. However, they were at dispute regarding work for the last 5-6 years. On 16.02.2022, at about 7.30 PM, when the applicant was opening his shop, Avtar Singh tried to remove a table from the front of the shop. As the applicant objected, Avtar Singh tried to assault him by rod. The applicant pushed him aside in self defence and he (Avtar Singh) fell down. In reaction, he hit by rod on his head, left arm and thigh. He became unconscious and was taken to the hospital. He was threatened with dire consequences, if he disclosed anything about the incident to anyone. The police official visited him in the hospital and informed that Avtar Singh had already given complaint against him. The applicant has filed a complaint before the SSP, but in vain. He is apprehending his false implication in some non bailable offence. As the applicant is apprehending arrest at the hands of the police in false

complaint, prayer is made for serving an advance notice before any action is taken against him. He undertakes to abide by all the conditions to be imposed by the Court for releasing him on bail.

3. On the other hand, in the reply filed by prosecution as well as argued by the learned PP, it is submitted that present application for anticipatory bail is not maintainable as no FIR has been registered against the applicant so far. However, a public window complaint filed by the applicant was received in the police station and the same was under enquiry. On 16.02.2022, on receipt of telephonic message from PS 49, Chandigarh, regarding admission of patient in GMCH-32, Chandigarh due to quarrel vide CR No.202205567, ASI Jasbir Singh reached at the hospital and obtained the opinion of doctor regarding fitness of Avtar Singh. As he was declared fit, his statement was recorded. But, he stated that as he was not feeling well, he was unable to give statement. Further, he stated that he will give his detailed statement lateron. Thereafter, on the same day i.e. intervening night of 16/17.02.2022, a telephonic message was received from GMSH-16, Chandigarh that a patient namely Surinder Singh (present applicant) was admitted due to quarrel vide CR No.20220045802. On this, ASI Jasbir Singh reached at the hospital and obtained the opinion of doctor regarding his fitness. He applied for MLR and case summary of both the patients, but the same have not been received yet. Legal action will be initiated as per law after obtaining case summaries of Surinder Singh and Avtar Singh. In additional reply, it is submitted that no notice regarding any other bail of applicant has been

received till date except the present one. While arguing on these lines, the bail application is sought to be dismissed.

4. At this stage, counsel for applicant requests for issuance of prior notice in case applicant is required in any case thereafter.

5. From the perusal of the file and as discussed above, it is evident that no FIR has been registered against the applicant till today. However, inquiry in the complaint is pending. Since no FIR has been registered against the applicant, there is no apprehension of his arrest. Hence, the bail application becomes **infructuous** and the same is **dismissed** as such. Police record be returned. Bail papers be consigned to the Record Room, Chandigarh.

Announced in open Court.

Dated: 28.02.2022

Himanshu, JW.

(Dr. Rajneesh)
Additional Sessions Judge,
Chandigarh (UID-PB0172)

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Sh. Jagmohan, PP for the State.

Arguments heard. Vide my separate detailed order of even
date, application stands **dismissed being infructuous**. File be consigned
to record room.

Announced in open Court.

Dated: 28.02.2022

Himanshu, JW.

(Dr. Rajneesh)
Additional Sessions Judge,
Chandigarh (UID-PB0172)