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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15460-2019
Date of decision-28.05.2019

Shiv Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. APS Rehan, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Varinder Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in cross case bearing GD No.48 dated 11.04.2017 under Sections 323 read with Section 34 of Indian Penal Code (Section 326 IPC added later on) at Police Station Mukerian, District Hoshiarpur registered as a cross version case in FIR No.58 dated 11.04.2017 under Section 324 read with Section 34 IPC (section 326 added later on) registered at Police Station Mukerian, District Hoshiarpur. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner Shiv Kumar has preferred this petition for grant of pre-arrest bail in cross version set up by Harjinder Singh, which was initially recorded only for the offence punishable under Section 323 read with Section 34 IPC. Alongwith Shiv Kumar, his brothers, namely, Karnail Singh and Ashok Kumar are also co-accused. It is contended by learned counsel that as per the allegation in the FIR, petitioner Shiv Kumar is stated to be armed with stick and he had given a blow on the back side of injured. It is also pointed out that the injury inviting offence punishable under Section 326 IPC is attributed to Karnail Singh, who already stands released on regular bail. The cross version arises from case FIR No.58 dated 11.4.2017, under Sections 324 read with Section 34 IPC (Section 326 added subsequently), registered at Police Station Mukerian, District Hoshiarpur, recorded at the instance of Karnail Singh.

Notice of motion for 28.5.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Varinder Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Varinder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 04.04.2019 is made absolute.
However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

28.05.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No