

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33478-2019

Date of decision-05.12.2019

Mukesh Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.47 dated 02.03.2019 under Sections 325, 326, 341, 307, 148 and 120-B read with Section 149 of Indian Penal Code, 1860 (Section 420 IPC added later on) registered at Police Station Division 6, District Ludhiana. 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 20.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner is being indicted by addition of offence under Section 420 IPC on the ground that two sim cards used by Ajay Pandey and Sanjeev Kumar were obtained on the fake documents. He further contends that the connections were already obtained by those persons from the mobile service provider AIRCEL, which was ported to IDEA

later on. According to him, it is not a case of issuing a fresh sim card to the said persons by the petitioner, who is employed at a shop having franchise of IDEA Company. He submits that in the given facts custodial interrogation of the petitioner may not be required.

Notice of motion for 05.12.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 Lakhvir does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Lakhvir 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 20.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

05.12.2019

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