

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-19135-2020(O&M)  
Date of decision: 25.08.2020

Amit Kumar @ Lovely Bhagat

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr.Sandeep Arora, Advocate for the petitioner  
Mr. Dhruv Dayal, Sr. DAG, Punjab  
Mr. B.D.Sharma, Advocate for the complainant

**ANIL KSHETARPAL, J. (ORAL)**

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 80, dated 11.6.2020, registered under Section 323, 324, 341, 34 IPC and offence under Section 326 IPC (added subsequently) at Police Station Division No. 2, Jalandhar.

On 27.7.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 80, dated 11.6.2020, registered under Section 323, 324, 341, 34 IPC and offence under Section 326 IPC (added subsequently) at Police Station Division No. 2, Jalandhar.

Learned counsel for the petitioner contends that the petitioner surrendered before the learned Trial Court and was admitted to bail vide order dated 20.6.2020. He further submits that now the police wants to arrest the petitioner on addition of offences under Sections 325 and 326 IPC. He further submits that no permission of the Judicial Magistrate First Class, Jalandhar, who had granted bail on 20.6.2020, has been obtained.

Keeping in view the facts of the case, it is considered appropriate that let the petitioner join investigation.

Adjourned to 25.8.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from SI Narinder

Singh, has submitted that the petitioner although has joined investigation, however, he has not cooperated. Therefore, he prays that the interim protection granted to the petitioner be vacated.

On perusal of the file, it is apparent that the learned Judicial Magistrate First Class, Jalandhar, vide order dated 20.6.2020, has admitted the petitioner to bail. The order dated 20.6.2020, is extracted as under:-

“ Heard on application of surrender and bail of accused Amit Kumar @ Lovely Bhagat in FIR No.80 dated 11.06.2020 U/s 323, 324, 341 read with Section 34 IPC, PS DIv No.2. The punishment U/s 324 is upto three years or fine and the offences U/s 323 and 341 are bailable in nature. Therefore, in view of the guidelines/instructions issued by the Ld. Executive Chairman (PULSA) on 25.03.2020 and the instructions of Hon'ble Punjab and Haryana High Court in the case titled as "Ishu Grover @ Ishu @ Golu Vs. UT Chandigarh" in the wake of pandemic Covid-19, accused/applicant is hereby admitted to

bail on furnishing bail bonds in the sum of Rs.40,000/- with one surety in the like amount. Bail bonds and surety bonds furnished, which are accepted and attested. Papers be sent back to the concern court immediately.”

Keeping in view the aforesaid facts, the present petition is disposed of by granting liberty to the prosecution and the injured/victim to move an application before the Judicial Magistrate First Class, Jalandhar, for cancellation of the bail granted on 20.06.2020, in view of the addition of an offence under Sections 325 and 326 IPC. If such an application is filed before the Judicial Magistrate First Class, Jalandhar, the same shall be decided by the Court independently without being influenced by the interim protection granted by this Court. However, till the Judicial Magistrate First Class, Jalandhar passes an order, the arrest of the petitioner shall remain stayed.

**25.08.2020**

rekha

Whether speaking/reasoned

Whether Reportable

**(ANIL KSHETARPAL)**

**JUDGE**

Yes / No

Yes / No