

211.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42857-2021

Date of Decision: 14.10.2021

RAJ KUMAR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. M.S. Dullat, Additional Advocate General, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.111, dated 28.05.2021, registered under Sections 323, 342, 506, 509, 498-A and 34 of IPC at Police Station Sadar, District Kapurthala.

Learned counsel for the petitioner would argue that initially only Sections 323, 342, 506, 509, 498-A and 34 of IPC had been invoked against the petitioner herein who had been allowed anticipatory bail by the Additional Sessions Judge, Kapurthala, which came to be confirmed on 28.07.2021. It is argued that the petitioner had joined investigation under the aforesaid Sections, however, on a supplementary DDR, Sections 307 and 325 IPC came to be invoked, consequent to which, the petitioner was arrested immediately which is in violation of the judgment rendered by the Hon'ble Supreme Court in *Pradeep Ram Versus State of Jharkhand-2019*

(17) SCC 326. It is argued that without seeking permission of the Court allowing him interim bail which had been subsequently confirmed, he could not have been arrested under the newly added Sections. In any case, it is submitted that the matter stands investigated and the custody of the petitioner would no longer be required.

On the other hand, learned counsel appearing on behalf of the respondent-State would submit that on the basis of DDR which came to be recorded subsequently, Sections 307 and 325 IPC were invoked against the petitioner herein. On the asking of the Court whether the challan has been presented qua the newly added Sections, this Court is informed that challan stands presented.

After having heard learned counsel for the parties and keeping in view the fact that the challan stands presented, the custody of the petitioner would no longer be required and thus, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

14.10.2021

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