

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38410-2022(O&M)

Date of decision : 29.08.2022

Narender Kumar and another

... Petitioners

Versus

State of U. T. Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sunil Sihag, Advocate
for the petitioners.

Mr.Charanjit Bakhshi, Addl.P.P.
for U. T. Chandigarh.

VIKAS BAHL, J.(ORAL)

CRM-31147-2022

This is an application filed for grant of leave under Rule 3-A(i) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-38410-2022

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.112 dated 12.07.2022 registered under Sections 452, 384, 511, 506, 34 IPC at Police Station Sector 34, Chandigarh U. T.

Learned counsel for the petitioners has submitted that the

the name of Kriti Bhumi which has its head office at Yamunanagar, Haryana and the team of the newspaper which also works in the social media, used to visit various places in search of news to redress grievances of the people and it is in the above said context that they had visited the house of the complainant and thereafter on account of a debate, proceedings under Sections 107, 151 Cr.P.C. were initiated and then, after a period of 4 days, the present FIR has been registered. It is further submitted that the petitioners have not been served with any notice under Section 41-A Cr.P.C. as had been served upon the co-accused Raj Kumar and Satish Kumar.

Learned Addl.P.P. for U. T. Chandigarh, on instructions of SI Virender Singh, has submitted that U. T. authorities were trying to serve notice under Section 41A Cr.P.C. to the petitioners but the petitioners were not found at their address and has submitted that they have a copy of the notice under Section 41-A Cr.P.C. which has been handed over to learned counsel for the petitioners and as per which the petitioners are required to come before the Investigating Officer as detailed in the notice at 4:00 PM and has submitted that since, at present, no opinion in writing has been formed to arrest the present petitioners, thus, the petitioners have no cause of action to file the present anticipatory bail application and has referred to the orders passed by a coordinate Bench of this Court in the case of Raj Kumar and Satish Kumar on the said aspect.

Learned counsel for the petitioners has submitted that the petitioners would fully cooperate in the investigation and would go before the Investigating Officer at 4:00 PM today but has prayed that since the anticipatory bail application has been dismissed by the Additional Sessions Judge, Chandigarh and has submitted that in case, the Investigating Officer

forms an opinion that the petitioners are required to be arrested in the present case, then a written notice of 5 days be served upon the petitioners so that the petitioners could seek their remedy in accordance with law.

Learned Addl.P.P. for U. T. Chandigarh, has submitted that in case the Investigating Officer at any subsequent stage is of the opinion that the petitioners are required to be arrested in the present case then, a written notice of 5 days be served upon the petitioners.

Keeping in view the above said facts and circumstances moreso, the stand taken by the Addl.P.P. for U. T. Chandigarh, the present petition is disposed of with the following terms:-

- i) The petitioners would fully cooperate with the investigation and would appear before the Investigating Officer at 4:00 PM today and also on all the subsequent dates which the Investigating Officer may require.
- ii) In case the Investigating Officer is of the opinion for the reasons to be recorded in writing that the arrest of the petitioners is required then, a written notice of 5 days be served upon the petitioners so as to enable the petitioners to avail their remedies in accordance with law.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 29, 2022

Davinder Kumar