

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

219

CRM-M-3612-2023

Date of Decision: 17.02.2023

Amar Bhatti @ Sunil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Navkaran Singh Sandhu, Advocate for the petitioner
Mr. Digvijay Nagpal, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

On 23.01.2023, the following order was passed:-

“xxxx xxxx xxxx xxxx

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 0033 dated 7.3.2022, under Sections 452, 354, 324, 427, 149, IPC (Section 326 IPC added later on), registered at Police Station Mallanwala District Ferozepur.

Learned counsel for the petitioner inter alia contends that the petitioner has filed cross case against the complainant. Section 326 IPC has been added after six months from the date of alleged incident. The petitioner is going to solemnize marriage on 25.1.2023. The co-accused has already been granted concession of bail by the Sessions Court. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab, accepts notice on behalf of the respondent-State.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics**, (2013) 2 SCC 590, **Arnab Manoranjan Goswami V. State of Maharashtra**, (2021) 2 SCC 427, **Satender Kumar Antil V. CBI** (2022)10 SCC 51, **Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors.**, 2010 SCC OnLine SC 1375, **Shri Gurbaksh Singh Sibbia V. State of Punjab** (1980) 2 Supreme Court Cases 565, **Arnesh Kumar V. State of Bihar** (2014) 8 SCC 273 and the co-accused has already been granted concession of bail, at the first instance, the petitioner is directed to appear before investigation officer on 30.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 17.2.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court."

Learned State counsel, on instructions from ASI Lakhbir Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In the order dated 23.01.2023 passed by this Court, Section 148 of IPC has not been inadvertently jotted down along with other Sections of IPC even though Section 148 of IPC has been mentioned in

the petition. It is clarified that petitioner is released on bail qua Section 148 of IPC apart from other Sections of IPC

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

17.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*