

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

213

CRM-M-3976-2023 (O&M)

Date of decision: 15.03.2023

RAVI KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Kashav Chadha, Advocate for  
Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

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AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.38 dated 23.04.2022, under Sections 323, 324, 451, 148, 149, 427, 506 and 120-B of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Mehatpur District Jalandhar.

On 06.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.38 dated 23.04.2022, registered under Sections 323, 324, 451, 148, 149, 427, 506 and 120-B of the IPC (Section 326 IPC added later on) at Police Station Mehatpur, District Jalandhar.

Learned counsel contends that name of the petitioner has been roped in the case only on account of the fact that his real brother is an accused in the present case, however, the petitioner was not present at the time of incident for which reliance is placed on a video, Annexure P-3, which has also been furnished to the investigating agency, as per which he was

at a wedding from 2:30 pm to 5:00 pm, while the incident is alleged to have taken place at 03:30 pm. He, however fairly contends that two other co-accused, who have been attributed similar injuries had approached this Court, and have not been granted any relief but his case is distinct from them inasmuch as he was not present at the spot. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 10.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 15.03.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 06.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Jaspal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 06.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and

cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)  
JUDGE

March 15, 2023

S.Sharma(syr)

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |