

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12028-2023

Date of Decision: 08.11.2023

NARESH KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rana Harjasdeep Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 13.03.2023, the following order was passed by the Coordinate
Bench of this Court:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.174 dated 29.12.2022, under Sections 452,323,354,109,34 IPC, 1860 (Offence under Section 325 IPC added later on) at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner has vehemently argued that the only allegation against the petitioner is that he gave a Baseball blow, which hit on the wrist of the right hand of the complainant and the main injuries have been given by Harsh Kumar by the Khanda (double edged sword), which hit the complainant on his head above the right ear. As regards the other allegation under Section 354 IPC, he submits that the same has been wrongly added, as his own wife was also present, who has been granted bail by the Court below.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab assisted by ASI Surender Mohan, accepts notice on behalf of the State and has vehemently opposed the bail and submitted that the Baseball is yet to be recovered, although the injuries deteriorated to the petitioner are not serious. However, the petitioner had accompanied the main accused Harsh Kumar with a common intention to hit the complainant.

Learned counsel for the petitioner submits that the petitioner is the father of Harsh Kumar, who has not yet surrendered and has not applied for bail till date.

In the light of the above, the petitioner shall join investigation on **18.03.2023** at **10:00 A.M.** before the Investigating Officer and cooperate with the Investigating Agency even thereafter

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 24.05.2023.

It is made clear that this order shall not be taken as parity or referred before the Court below, in case, Harsh Kumar applies for bail, at any stage, as it has been made clear to the petitioner, who has submitted that he shall try to convince his son to surrender and join the process of law.”

2. Short reply by way of affidavit of Simranjit Singh, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural) on behalf of the respondent-State has been placed on record.

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Harsh Kumar, the son of the petitioner has also surrendered and he has been granted concession of regular bail by the learned trial Court. Amarjeet Kaur @ Rani, the wife of the petitioner, has also been granted pre-arrest bail by the Court of Sessions. Subsequent to registration of FIR, the offence under Section 201 IPC has also been added as the base ball bat has not been got recovered by the petitioner. In fact, he is not in possession of any such base ball bat and the allegations levelled in the FIR with regard to inflicting injuries with the same are false.

4. Learned State counsel, on instructions from ASI Surinder Mohan, has not disputed the fact that the petitioner has joined the investigation and further submits that the custodial interrogation of the petitioner is not required.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 13.03.2023, vide which the petitioner has been granted interim bail, is made absolute. However, this order shall also be construed with regard to commission of offence under Section 201 IPC.

6. Petition is allowed.

08.11.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No