

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

210

2023:PHHC:159154

CRM-M-13446-2023

Date of decision: December 12th, 2023

Dinesh Kumar Aggarwal @ Tau @ Dinesh Aggarwal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.243 dated 08.12.2018 registered under Sections 302, 34 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kartarpur, Jalandhar Rural, District Jalandhar.

2. Vide order dated 17.03.2023, the petitioner had been directed to appear surrender before the trial Court and was directed to be admitted on bail on his furnishing bail bonds to the satisfaction of the trial Court. The relevant part of the said order reads as under:-

“Learned counsel contends that the petitioner is neither named in the FIR nor was challaned, reference is made to the report under Sections 173(2) and 173(8) CrPC. The complainant had named 10 persons at different stages from the date of lodging of FIR till the stages of filing of second application under Section 319 CrPC on 26.04.2022, wherein petitioner has been summoned. The complainant for the first time named the petitioner in his second statement dated 21.12.2021 after the framing of the charge wherein role attributed

*at best is of conspirator. Complainant has been consistent upon changing his stance regarding the accused. The motive if at all was with Charanjit Singh @ Punnu, who was stated to have been slapped by the deceased. The petitioner is sought to be involved, being his employee but he had left the service in the year 2017, whereas the alleged occurrence took place in December 2018. There is nothing which has been mentioned with regard to the petitioner being in contact with the above said person. The co-accused Charanjit Singh @ Punnu whose disclosure statement has mentioned about the motive of the petitioner that the deceased had threatened the son of the petitioner is however false as his son had already left for Australia in May 2018, whereas the occurrence is of December 2018. Learned counsel submits that the petitioner is ready and willing to join the proceedings before the trial Court. He relies on the judgments of this Court in the cases of **Pardeep Vs. State of Haryana**, CRM-M-18386-2011 decided on 09.06.2011; **Jagroop Singh Vs. State of Punjab**, CRM-M-11680-2011 decided on 02.05.2011; **Shishpal and another Vs. State of Haryana**, CRM-M-10747-2023 dated 01.03.2023; **Bajinder Singh & Another Vs. State of Punjab**, CRM-M13285-2015 decided on 23.07.2015 and the judgment of Allahabad High Court in the case of **Pushpa Devi Vs. State of U.P. through Prin. Secy. Homr Lko**, Criminal Misc. Bail Application No.4988 of 2022 dated 18.08.2022.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 17.03.2023, the petitioner had appeared before the trial Court and furnished bail bonds. In support, he has placed on record copy of order dated 27.03.2023 passed by Additional Sessions Judge, Jalandhar.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having appeared before the trial Court.
5. In view of the above, the petition is allowed and interim order dated 17.03.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

December 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No