

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

209

CRM-M-13528-2023

Date of Decision: 27.04.2023

Hassan Deen

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Vishal Thakur, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab  
(assisted ASI Avtar Singh)

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**JAGMOHAN BANSAL, J. (ORAL)**

1. On 17.03.2023, the following order was passed:-

*“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 163 dated 14.9.2021, under Sections 363, 366, 506 and 34 of IPC (offence under Section 376 and 376 D IPC added later on), registered at Police Station, Haryana, District Hoshiarpur.*

*Learned counsel for the petitioner inter alia contends that co-accused namely Lal Hussain @ Bana and Fakir Deen have already been granted concession of anticipatory bail vide order dated 24.02.2023 passed by this Court in CRM-M-1274 of 2023 and CRMM-230 of 2023 respectively.*

*Notice of motion.*

*On the asking of Court, Mr. Amish Sharma, AAG, Punjab who is present in court on advance*

*notice, accepts notice on behalf of State-respondent. Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and 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 and the fact that co-accused have already been granted concession of anticipatory bail, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 23.03.2023 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 27.04.2023.*

*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.”*

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

3. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 17.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. 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

27.04.2023  
Mohit Kumar

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |