

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

(217)

CRM-M-15623 of 2023
DATE OF DECISION:-25.05.2023

Rohit Through his mother Geeta Kaur

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.S. S. Thakur, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.33 dated 29.01.2023 under Sections 450, 427, 148, 149 of IPC, registered at Police Station Model Town, Hoshiarpur (Annexure P-1).
2. This Court, while issuing notice of motion on 28.03.2023, passed the following order:

“Impugning the order dated 17.02.2023, whereby, the anticipatory bail application filed on behalf of petitioner was dismissed being not maintainable, relying upon the decision made by this Court in Krishan Kumar minor through his Mother Vs. State of Haryana passed in CRM-M-19907 of 2020, learned counsel for the petitioner submits that the trial Court committed an error of law while declining the prayer made by the petitioner, besides, learned counsel for the petitioner submits that petitioner was never named in the FIR.

Notice of motion for 25.05.2023.

Meanwhile, the petitioner shall join the investigation as and when required/called upon to do so and in the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of Arresting/Investigating officer and shall also

strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C. ”

3. Learned counsel for the petitioner states that in pursuance of order dated 28.03.2023 passed by this Court, the petitioner has already joined investigation.

4. The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Dharinder Singh, P. S. Model Town, Hoshiarpur, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

5. In view of the above, the petition is allowed. Interim order dated 28.03.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

25.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No