

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

**CRM-M-17474-2023 (O&M)
Date of decision : 09.08.2023**

Saurav Kumar @ Saurav Verma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Suneet Pal Singh Aulakh, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in DDR No.37 dated 13.03.2023, under Sections 452, 323, 506, 34 of the Indian Penal Code, 1860 in FIR No.46 dated 11.03.2023, registered at Police Station Division No.8, District Ludhiana.

(2) It transpires that above DDR was registered on the basis of statement made by complainant-Aakriti Jain to the effect that on 25.08.2022 at about 12:00 Noon, Varun Verma and his wife Pulika Verma came to her house. Aditya Jain (husband of complainant) asked Varun Verma to return the amount of Rs.33,20,000/-, which he had borrowed; but he refused to do

the same. Both Varun Verma and his wife started quarrelling with them and they call their brother-Karan Chopra and other unknown persons. After some time, Karan Chopra reached at the house of complainant and started abusing; given beatings as well as threats. All three accused told for calling other unknown persons. Complainant party, in order to save their lives, locked the gate of their house from inside; but thereafter, unknown persons came outside their house with sharp weapons. Petitioner-Saurav Verma and other unknown persons, armed with sharp weapons, jumped the gate of their house and gave beatings to the complainant, her husband, daughter, brother-in-law & servant. The entire occurrence was recorded in the CCTV Camera, installed in their house. On raising the alarm, accused fled away from the spot while threatening to kill them.

(3) The Coordinate Bench, vide order dated 13.04.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having DDR No.37 dated 13.3.2023 under Sections 452, 323, 506, 34 IPC in FIR No.46 dated 11.3.2023 registered under Sections 342, 324, 506, 34 IPC at Police Station Division No.8, District Police Commissionerate Ludhiana.

Counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and only simple injuries are attributed to the petitioner. He further submits that the case involves version as well as cross version and the petitioner has been named as accused only in the cross version case. He further contends that the alleged occurrence took place on 25.8.2022 whereas the aforesaid DDR was recorded on 13.3.2023 and delay in lodging of DDR goes to the root of the case. Counsel for the petitioner further submits that

the petitioner, who is having no criminal history, is ready to join the investigation. Counsel for the petitioner further submits that similarly situated co-accused Karan Chopra has been granted interim bail by this Court vide order dated 12.4.2023 passed in CRM-M17250-2023.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State of Punjab and on instructions from ASI Sahib Singh apprised the Court that indeed the case involves version as well as cross version and as per main version having FIR No.46 dated 11.3.2023 (Annexure P-2), the opposite party caused injuries to co-accused Karan Chopra while as per cross version, the petitioner and his accomplices caused simple injuries to the opposite party by trespassing into their house. However, the State counsel has not disputed the fact that the petitioner is having no criminal antecedents.

Mr. Sudhanshu Khanna, Advocate has put in appearance on behalf of the complainant and while resisting the present petition, submits that it is only complainant-Akriti Jain who filed the writ petition which resulted in lodging of FIR as well as DDR. He further submits that there is a CCTV footage clearly showing that the opposite party armed with different weapons trespassed into the house of the complainant and thereafter, caused injuries. Counsel for the complainant further submits that the custodial interrogation of the petitioner is required for proper investigation of the case.

Now be listed on 3.8.2023.

Admittedly, the injuries, if any, attributed to the present petitioner are found to be simple in nature and the main FIR has been registered against the complainant and her accomplices while the petitioner is accused in the cross version case. It is a matter of evidence as to who was the aggressor party.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting

*officer to his own satisfaction till the next date fixed in this case.
The petitioner is also to abide by the conditions envisaged under
Section 438 (2) of Cr.P.C.”*

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from ASI Sahib Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 13.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

August 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>