

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-17579-2023 (O&M)

Date of Decision : 07.11.2023

RAMESH KUMAR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Singh Saini, Advocate and
Ms. Vibha Nagar, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Shakti Singh, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.74 dated 02.09.2022 under Sections 498-A, 406, 120-B, 34, 377 of the Indian Penal Code, 1860 registered at Police Station Naya Gaon, District SAS Nagar (Mohali).

2. On 09.05.2023 the following order was passed :

“In compliance of the order dated 05.05.2023, reply has been filed on behalf of the complainant, copy of the same has been handed over to the counsel for the petitioner as well as counsel for the State.

Learned State counsel has prayed for two weeks more time to file the status report, as the matter being in

a restricted category, the order could not be available online, and therefore, a request had been made by the SSP, Mohali for extension of time.

In light of the above, State counsel is granted two weeks time to file the status report.

In the meantime, the petitioner is directed to join the investigation on 16.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter with the following stringent condition as agreed to by the petitioner:-

- 1. He will deposit FDR in the name of the complainant for a sum of Rs.1 lac, which shall not be encashed till the pendency of this bail petition.*
- 2. He shall also deposit his mobile phone and other appliances as asked by the Investigating Officer.*
- 3. He is ready and willing to give his voice sample so that investigation can proceed.*

The Investigating Office is directed to proceed in the investigation in accordance with law and the condition as imposed on petitioner.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to be satisfaction of the Arresting/Investigating Officer

and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

However, this interim shall not be construed as any final expression or opinion on the merits of the case, which shall be decided in accordance with law

To come up for arguments on 30.05.2023.”

3. Thereafter, an FDR, as directed by this Court vide order dated 09.05.2023, was opened for an amount of Rs.1,00,000/- in the name of the complainant.

4. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

5. Learned counsel for the State, on instructions from ASI Rameshwar Dass, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

6. In view of the above, the order dated 09.05.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

07.11.2023

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO