

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201 (02 cases)

CRM-M-17535-2023

Date of Decision:13.07.2023

Gagandeep @ HD

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Balram Prashar, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.32 dated 17.02.2023 registered under Sections 353, 186/34 of the IPC registered at Police Station Division No.5, District Police Commissionerate, Ludhiana.

On 13.04.2023, following order was passed:

“The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.32 dated 17.02.2023 under Sections 353, 186, 34 of IPC registered at Police Station Division No.5, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that as per allegations police party patrolling in the private vehicle was not in uniform. The only allegation is that the petitioner started throwing glass bottles and stones at the police party. It is a case of no injury. He has further submitted that no other case is pending against the petitioner.

Notice of motion.

On asking of the Court, Ms. Himani Arora, AAG, Punjab appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to her during the course of the day. On asking, she states that she has no instructions at this stage whether any other case is pending against

the petitioner.

Adjourned to 13.07.2023.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

On instructions from ASI Mohan Lal, it is conceded by learned State counsel that petitioner has since joined the investigation. In view of the same and having regard to the factual position noticed earlier on 13.04.2023, the petition is allowed and the order dated 13.04.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 13, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**