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

**CRM-M-19784-2022
Date of Decision: 17.10.2023**

Mahavir Kumar @ Mahaveer Kumar Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Rao P.S. Girwar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Puneet Gupta, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.41 dated 24.03.2022, under Sections 379-B, 452, 323, 149, 506, 341, 325 IPC, registered at Police Station Maur, District Bathinda.

2. Learned counsel for the petitioner has submitted that in the present case, a Co-ordinate Bench of this Court on 10.05.2022 had rejected the prayer of the petitioner for grant of interim anticipatory bail and thereafter, the petitioner had filed SLP against the aforesaid order in which interim protection was granted on 27.05.2022. Thereafter, Hon'ble Supreme Court disposed of the SLP on 29.11.2022 by directing that the interim

protection granted earlier by the Supreme Court shall enure and protect the petitioner till the decision of the anticipatory bail application in the present case, on its own merits by the High Court. He further submitted that thereafter the petitioner has joined the investigation and has fully co-operated with the investigation process. He also submitted that even otherwise also during the pendency of the present petition, the offences under Sections 379-B, 452, 149, 506, 341 IPC have since been deleted by the police itself and now only offences under Sections 323 & 325 IPC survive and since he has already joined investigation, he may be granted anticipatory bail in the present case.

3. Mr. Ramdeep Partap Singh, learned Senior Deputy Advocate General, Punjab, has stated on instructions from ASI Kulwinder Singh, who is present in Court today that after the interim protection was granted by the Hon'ble Supreme Court to the petitioner, he has joined investigation and he is fully cooperating with the investigation process and submitted that it is correct that now only offences under Sections 323 & 325 IPC are left and the remaining were deleted. He further submitted that he has a specific instruction to state that the petitioner is not required for custodial interrogation in view of the aforesaid position.

4. In view of the aforesaid facts and circumstances, the present petition is allowed. Since the FIR is still at the investigation stage, in case the petitioner is required for further investigation then he shall join the investigation as and when called upon to do so by the Investigating Officer and shall also fully co-operate with the same and on his doing so, the petitioner be released on interim bail subject to his furnishing personal

bonds and surety to the satisfaction of Arresting/Investigating Officer and he shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

17.10.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |