

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

211

CRM-M-20592-2023

Date of Decision: 26.05.2023

Babu @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Ranjit Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 28.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 7 dated 10.1.2022, under Sections 452, 354, 506, 427, 148 and 149 IPC and Section 25/27 of Arms Act, registered at Police Station, City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner inter alia contends that Additional Sessions Judge, Tarn Taran vide order dated 27.4.2022 granted concession of interim anticipatory bail, however, petitioner on account of registration of another FIR No. 44 dated 18.3.2022 at Police Station, City Tarn Taran, could not join the investigation. The petitioner has preferred CRM-M- 20637 of 2023 before this Court seeking anticipatory bail in the FIR No. 44 dated 18.3.2022. The said FIR is also registered at the same police

station. A Co-ordinate Bench of this Court vide order dated 26.4.2023 has granted concession of interim anticipatory bail to the petitioner. Notice of motion, returnable for 26.05.2023. On the asking of Court, Mr. Shiva Khurmi, AAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent. In view of role attributed to the petitioner, the fact that petitioner was granted concession of interim bail by Sessions Court and petitioner could not join investigation on account of registration of another FIR, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 06.05.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Learned State counsel, on instructions from ASI Ranjit Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 28.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

26.05.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*