

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21421 of 2023
Date of decision: 10th May, 2023

Sanjay

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Malhotra, Advocates for the petitioner.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.77 dated 15.04.2016 under Sections 323, 341, 506 and 34 of the IPC (Section 308 IPC added later on) registered at Police Station Salem Tabri, District Ludhiana.

Vide order dated 01.05.2023, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioner inter alia contends that the petitioner was found innocent during investigation and thus was not challaned along with other accused. He was, however, subsequently summoned under Section 319 of the Cr.P.C. to face trial as an additional accused, therefore, there is a genuine apprehension on his part that he could be arrested and sent to custody when he appears on 03.05.2023 before the Trial Court. Learned

counsel has also submitted that the injury inviting the mischief of Section 308 of the IPC has not been attributed to the petitioner and still further in the above facts and circumstances, custodial interrogation of the petitioner would not be required as it would not serve any useful purpose.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In the circumstances, the petition is allowed and the interim order dated 01.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 10, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No