

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-23530-2023

Date of Decision:31.07.2023

Pawan Kumar @ Johny

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by SI Jaswinder Kaur.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.277 dated 31.12.2022 registered under Sections 307, 341, 323, 506, 148, 149, 120-B of the IPC & Sections 25, 27/54/59 of Arms Act (Section 325 of the IPC added later on) registered at Police Station City Sangrur, District Sangrur.

Status report by way of an affidavit of Shri Ajaypal Singh PPS, Deputy Superintendent of Police, Sub Division, Sangrur has been filed on behalf of respondent- State.

On 10.05.2023, following order was passed:

“Petitioner prays for grant of anticipatory bail in case FIR No.277 dated 31.12.2022, registered at Police Station City Sangrur, District Sangrur, under Sections 307, 341, 323, 506, 148, 149, 120-B of IPC (Section 325 IPC and Section 25 & 27 of the Arms Act added later on).

Learned counsel for the petitioner has drawn attention towards the contents of the FIR, as per which Ajay @ Robin and Aman Kumar were caused injuries by certain named and certain unnamed persons.

Name of the petitioner does not find mention amongst the assailants. Although in the FIR, it is mentioned in the last that the conspiracy to attack the complainant was hatched by the petitioner and one Akash @ Bhindi, but learned counsel for the petitioner has drawn attention of this Court towards the vernacular of statement of the complainant, indicating that after making the statement, the name of the petitioner has been inserted in the last, in between the last line and the thumb impression of the complainant.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to him during the course of day.

Learned State counsel has opposed grant of anticipatory bail on the ground that petitioner is named in so many FIRs as also mentioned in the order dated 19.04.2023 of learned Addl. Sessions Judge, Sangrur, whereby the bail application of the petitioner was declined.

Having considered submissions of both the sides, this Court is of the view that at this stage criminal antecedent cannot be taken into consideration, having regard to the fact that name of the petitioner in the conspiracy appears to have been inserted later on and that is only too, only as a part of conspiracy. Adjourned to 31.07.2023 for filing status report. In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

On instructions from SI Jaswinder Kaur, 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 10.05.2023, the petition is allowed and the order dated 10.05.2023 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 31, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No