

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

(210)

**2023:PHHC:134546
CRM-M-24171-2023
Date of Decision: 16.10.2023**

Rohit @ Sonu @ Actor

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present:- Mr. Sahil Thakur, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

1. Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of anticipatory bail to the petitioner in FIR No.02 dated 04.01.2022, under Sections 392, 323, 341, 508, 148, 49 IPC, registered at Police Station Division 5, District Jalandhar.
2. Allegations are that petitioner along with other co-accused inflicted injuries and robbed Rs.10,000/- and mobile make Vivo from Akash (complainant).
3. The Coordinate Bench, on 12.05.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.02 dated 4.1.2022 registered under Sections 392, 323, 341, 508, 148, 149 IPC at Police Station Division No.5, District Jalandhar.

Counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case and even the Court of learned Additional Sessions Judge, Jalandhar vide order dated 14.2.2022 (Annexure P-2) granted interim bail to the petitioner with direction to join the investigation; that, however, the petitioner failed to join the investigation as at the

same time, the petitioner was required by the police in one another criminal case. He further submits that only allegations against the petitioner are that he gave simple injuries to the complainant while 4-5 unknown persons snatched ` 11,000/- and mobile phone belonging to the complainant; that the said mobile phone has already been recovered from co-accused Prabhjot Singh. He further submits that the petitioner is ready to join the investigation with the police.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Vipan Kumar submits that the petitioner attacked the complainant and caused injuries to him with iron rod and his accomplice snatched mobile phone and Rs. 11,000/- in cash from the complainant and out of the said alleged amount, the petitioner retained amount of Rs. 9,000/- which is still to be recovered. State counsel further submits that the petitioner is required by the police for proper investigation of the case and is also involved in one another case. However, the State counsel has not disputed the fact that initially, the petitioner was granted interim bail by the Court below vide order Annexure P-2 and the said order was vacated and the bail application was dismissed as the petitioner failed to join the investigation.

Now be listed on 20.9.2023.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case and subject to deposit of Rs.9000/- by the petitioner with the Investigating Officer which will be subject to final decision of the petition. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from HC Kulwant Singh present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 12.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation. In case it is found that there is recurrence on the part of the petitioner, the State would move an application for recalling of this order.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

16.10.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No