

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

213/3

2023:PHHC:110820

CRM-M-29017-2023

Date of decision: August 24<sup>th</sup>, 2023

Avinash Kumar @ Avnish Kumar and another

.....Petitioners

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. P.K.S. Phoolka, Advocate  
for the petitioners.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,  
Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioners are seeking the concession of anticipatory bail in FIR No.89 dated 19.05.2023 for the offences under Sections 295, 323, 149 IPC registered at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1). On oral prayer of the learned counsel, Section 295-A IPC is also added in the head note and prayer clause of the petition. Registry is directed to make necessary correction.

Vide order dated 02.06.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

*“Learned counsel inter alia contends that a perusal of the FIR in question reveals that no specific role has been attributed to the petitioners, and only general allegations have been levelled against all the accused of having caught the complainant by his hair and beard, and thereafter, having abused him. He submits that even the injuries allegedly received by the complainant were simple in nature.”*

Learned counsel for the petitioners submits that in compliance of order dated 02.06.2023, the petitioners have joined investigation and cooperated with the investigating agency.

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

In view of the above, the petition is allowed and interim order dated 02.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

**August 24<sup>th</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No