

CRM-M-30126-2023

2023:PHHC:110493

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

209

CRM-M-30126-2023

Date of decision : 22.08.2023

Mandeep Kumar @ Deepu**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed on 09.06.2023:-

“Present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.38 dated 14.3.2023 under sections 452, 323, 326, 506, 325, 148, 149 IPC registered at Police Station, Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. She submits that initially FIR was registered under section 323 IPC, however, in a deliberated manner offence under section 326 IPC was added later on. She submits that petitioner has been alleged to have given a Khanda blow on the leg of the complainant, however, the injury attributed to him is simple in nature. It is submitted that co-accused has already been granted bail. It is further submitted that on the same very day father of the petitioner was attacked by the complainant side and FIR No.40 dated

CRM-M-30126-2023

2023:PHHC:110493

15.3.2023 under sections 323, 341, 506, 148, 149 IPC was registered. Counsel submits that petitioner has no criminal antecedents and hence no case for his custodial interrogation is made out, however, he is ready to join investigation.

Notice of motion.

On the asking of the court, Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of respondent-State.

List on 22.8.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

2. Today, learned State counsel, on instructions from ASI Sukhwinder, has stated that pursuant to the order dated 09.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.06.2023 passed by this Court is made absolute, subject to the conditions as

CRM-M-30126-2023

2023:PHHC:110493

enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

22.08.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No