

2023:PHHC:090564

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-. -

CRM-29264-2023 in/and CRM M 34441-2023

Date of decision: 19.07.2023

Ritik Kataria

.....*Petitioner*

Versus

State of Punjab

.....*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

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Present: Dr. Rau P S Girwar, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

CRM-29264-2023

Allowed as prayed for.

Main case.

The present petition has been filed under Section 438 of the Criminal Procedure for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 97 dated 21.05.2023 registered under Sections 324, 323 and 34 of the Indian Penal Code at Police Station Canal Colony, Bathinda (Annexure P-1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the only allegation against the petitioner is that he was present in the scene of crime. However, no specifically injury to any person has been attributed to the petitioner. There is no other case pending against the petitioner. The

petitioner shall join the investigation as and when called upon to do so.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab, on instructions from ASI Jaswant Singh, Police Station Canal Colony, Bathinda submits that the petitioner is directly involved in the case. The investigation is at initial stage and the injuries involved in the case have been declared grievous in the medico-legal report. However, it is not disputed that none of the injury declared to be grievous is attributable to the petitioner. It is also not disputed that the petitioner is not declared as proclaimed offender.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

July 19, 2023
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Whether speaking/reasoned	Yes/No
whether reportable	Yes/No