

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41777-2022 (O&M)
Reserved on: 20.04.2023
Pronounced on: 03.05.2023

Sumit

... Petitioner(s)

Versus

State of UT Chandigarh

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Gautam Dutt, Advocate
for the petitioner(s).

Ms. Simsi Dhir Malhotra, APP, UT, Chandigarh.

Mr. Lekhraj Nandal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
90	9.7.2022	Mauli Jagran, District Chandigarh	406, 420, 341, 448, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 11.04.2022, the petitioner was granted interim protection, which is continuing till date.
4. The petitioner’s counsel submits that the petitioner has complied with the previous order of this Court and his custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. The State as well as counsel for the complainant oppose the bail.

REASONING:

6. The petitioner is a first offender, and one of the relevant factors would be to provide an opportunity to course-correct. Even a *prima facie* perusal of paragraph 4 of the bail petition needs consideration for bail. Thus, there would be no justification to keep this bail pending waiting for the proper investigation. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the victim or victim’s family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order.

7. Accordingly, the **present petition allowed** and interim order is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 03, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No