

PANKAJ SHARMA AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Eklavya Darshi, Advocate for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

SANJIV BERRY J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR as under: -

FIR No.	Dated	Sections	Police Station
0115	12.06.2023	452, 323, 324, 506, 148, 149 of IPC	Division No.8, Ludhiana.

2. Learned counsel for the petitioners submits that in compliance to the order dated 11.10.2023, the petitioners have joined the investigation.
3. Learned State counsel on instructions from ASI Harjeet Singh, informs the Court that the petitioners have joined the investigation and are neither required for further investigation nor for any custodial interrogation.
4. During the course of hearing, on 11.10.2023, the following order was passed:-

“Learned counsel for the petitioners submitted that there is a scuffle on parking issue and the injuries sustained in the occurrence is simple in nature. It is submitted that Section 452 IPC has been added by the police just to make the offence graver as the alleged offence took place in

the open area. He submits that even the petitioners sustained multiple injuries in the offence.

2. *Learned State counsel, on instructions ASI Harjit Singh, intimates that as per the record available with the police, the injuries attributed to the petitioners are simple in nature.*

3. *Keeping in view the facts and circumstances of the case and without commenting on merits, the petitioners are directed to join the investigation within seven days and co-operate in the same. In the event of the arrest of the petitioner, they shall be released on interim bail on their furnishing personal/Surety Bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

4. *Adjourned to 31.10.2023.”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 11.10.2023 passed by this Court, interim bail granted vide order dated 11.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioners are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31, 2023
manisha

(SANJIV BERRY)
JUDGE