

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43144 of 2023
Date of decision: 30th November, 2023

Harmesh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Tarranum Madan, Advocate for
Mr. R.S. Ghuman, Advocate for the petitioner.

Ms. Kanica Sachdeva, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.28 dated 22.02.2023 under Sections 323, 325, 452, 148 and 149 of the IPC registered at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

2. On the last date of hearing, i.e. 31.08.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, inter alia submits that a simple injury has been attributed to the petitioner with a baseball bat and that too on a non-vital part of the body of the complainant i.e. his thigh. It has been further submitted that though the occurrence in question took place on

18.02.2023, however, the FIR in question came to be registered after four days i.e. on 22.02.2023 which further lends credence to a false case having been planted upon the petitioner. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 31.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation. Learned State counsel has also filed status report by way of affidavit of Harshpreet Singh, PPS, ACP Sub Division V, Cantonment Jalandhar, which is taken on record.

5. In the circumstances, the petition is allowed and the interim order dated 31.08.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

November 30, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No