

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

**CRM-M-48202-2022
Date of Decision: 25.01.2023**

Abhishek Rana @ Abhishek Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rahul Rana, Advocate for
Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

Ms. Shivani Jaglan, Advocate
for the complainant.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.125 dated 05.07.2022, under Sections 148, 149, 323, 324 and 506 IPC (Section 307 IPC added later on), registered at Police Station Division No.8, District Ludhiana.

On 14.12.2022, the following order was passed by this Court :-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case, bearing FIR No.125 dated 05.07.2022, under Sections

148, 149, 323, 324 and 506 IPC (Section 307 IPC added later on), registered at Police Station Division No.8, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that there is an unexplained delay of two days in registration of the present FIR. Earlier the FIR was registered under Sections 148, 149, 323, 324 and 506 IPC, whereas the offence under Section 307 IPC has been added without any medical evidence and that too after lapse of 25 days from the date of alleged occurrence. Learned counsel further submits that in fact both the petitioner as well as his father have suffered injuries at the hands of complainant party but no case has been registered against the complainant and injuries suffered by the petitioner and his father are corroborated from medical records (Annexures P-2 and P-3). He further submits that co-accused of the petitioner, namely Sourav @ Sherry, as well as father of the petitioner, namely Sangram Singh, have been granted the concession of bail vide order dated 06.09.2022 and 16.09.2022, being Annexures P-4 and P-5 respectively, by learned Additional Sessions Judge, Ludhiana, whereas the present petitioner has been wrongly declined the concession of anticipatory bail vide order dated 04.10.2022. It is contended that the petitioner is not a proclaimed offender and is ready and willing to join the investigation as and when required by the investigating officer or as directed by this Court or by the trial Court.

Learned State counsel opposes the bail plea of the petitioner on the ground of seriousness of offence. He further submits that petitioner is the main accused, who has caused injury with sharp-edged weapon on the head of mother of the complainant. It is further submitted that the custodial interrogation of the petitioner is required for recovery of weapon of offence. However, learned State counsel has not produced any medical evidence regarding injury referable to

Section 307 IPC. It is also not disputed by learned State counsel that there is delay of two days in registration of FIR in question and also that Section 307 IPC was added after a delay of 25 days.

Keeping in view the afore-stated facts and circumstances, this Court is inclined to grant ad interim bail to the petitioner. In the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

List on 25.01.2023.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Harjeet Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 14.12.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail

granted to the petitioner.

Present petition is accordingly disposed of.

25.01.2023

Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No