

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-47767-2022

DATE OF DECISION:-27.03.2023

Dilwar Khan

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ishan Thakur, Advocate, for
Mr. L. S. Sidhu, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. L. S. Lakhanpal, Advocate, for the complainant.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.117 dated 20.09.2022 under Sections 307, 341, 323, 506, 34 IPC, registered at Police Station P. S. City Dhuri, District Sangrur.

This Court, while issuing notice of motion on 10.11.2022, passed the following order :

“Apprehending his arrest in FIR No.117 dated 20.09.2022, registered Under Sections 307, 341, 323, 506 & 34 IPC, at Police Station City Dhuri, District Sangrur, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia contends that even if the contents of the FIR are taken on their face value, no offence can be attributed to the petitioner alleging that he was one of the persons present on the scene of occurrence and his ‘parna’ was used by the main accused to strangle the victim.

Notice of motion returnable for 27.03.2023.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, appears and accepts notice on behalf of the respondent-

State.

Mr. L. S. Lakhanpal, Advocate, has entered appearance on behalf of the complainant.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioner states that in pursuance of order dated 10.11.2022 passed by this Court, the petitioner has already joined investigation. Learned counsel on telephonic instructions from the petitioner submits that petitioner is even ready to submit his apology to the complainant and will do the needful at the earliest so as to make the entire atmosphere peaceful between the parties.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Ranjit Singh, Police Station Dhuri, Sangrur, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 10.11.2022 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

27.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No