

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46279-2023 (O&M)
DECIDED ON: 14.11.2023

LAKHDEEP @ LALIPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

Ms. Himani, Advocate for
Mr. Vikrant Pujara, Advocate
for the complainant.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Sections	Police Station
240	26.12.2022	307, 451, 323, 427, 148, 149, 506 of IPC and Section 25 and 27 of Arms Act.	Tibba, District Ludhiana

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 15.09.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 15.09.2023, this Court has passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 240 dated 26.12.2022, registered under Sections 307, 451, 323, 427, 148, 149 and 506 IPC and Sections 25 & 27 of Arms Act, 1959 at Police Station Tibba, District Ludihana.

Learned counsel contends that the petitioner is 24 years old and is alleged to have fired from his pistol, however, the same was recovered from co-accused Sumit Singh. Thus, the allegations against him are false. The parties have now entered into a compromise with the intervention of respectables on 24.02.2023, Annexure P-2. Reference is made to the MLR to show that there was no fracture that was received by the injured and no fire arms inquiry as well. The petitioner is not involved in any other case and is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State. Mr. Vikrant Pujara, Advocate appears on behalf of respondent No.2 and admits that the compromise has been effected between the parties.

Meanwhile, the petitioner is directed to join the investigation on or before 23.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 14.11.2023.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 15.09.2023 passed by this Court, interim bail granted vide order dated 15.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is 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 petitioner; he 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.

14.11.2023

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(SANJIV BERRY)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>