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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 46658-2023
Date of decision: 21.09.2023*Sandeep Sharma**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Ankush Singla, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 125 dated 10.08.2023, registered under Sections 323, 324, 427, 458, 506, 148 and 149 of the Indian Penal Code (offence under Sections 325 and 326 IPC added later on), at Police Station Barnala, District Barnala (Annexure P1).

It is submitted by counsel for the petitioner that on the same set of facts, the petitioner had been roped in by the Police under Sections 323, 324, 325, 427, 458, 506, 148 and 149 of the Indian Penal Code excluding Section 326 IPC. The petitioner had applied for grant of anticipatory bail in the matter and he was granted concession of anticipatory bail, vide order dated 06.09.2023 passed by this Court in CRM M 44570-2023. However, subsequent thereto, the Police have added offence under Section 326 IPC against the petitioner. Therefore, the petitioner again apprehends his arrest

in the matter. The petitioner shall join the investigation as and when called by the Police. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts the notice on behalf of the respondent - State.

Counsel for the State, being instructed by ASI Sukhwinder Singh has submitted that since more material has surfaced in the case, therefore, Section 326 IPC has also been added in the matter. However, it is not disputed that on the same set of facts, the petitioner has already been granted concession of anticipatory bail by this Court in CRM M 44570-2023, and that, even the injury, which has invited Section 326 IPC, added later on, is not attributed to the petitioner.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

21.09.2023

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