

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

217

CRM-M-48774-2022

Date of Decision: 18.01.2023

Lucky Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Sukhveer S.Khillianwali, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 20.10.2022, the following order was passed :-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.108 dated 18.10.2021, registered for offences under Sections 307, 354, 294, 427, 323, 458, 506, 148, 149, IPC, however, Section 302, IPC, has been added, later on, at Police Station Hathur, District Ludhiana, Annexure P-4.

Perusal of the paper book shows that the petitioner has not been named in FIR, Annexure P-4, but in his supplementary statement, the complainant has alleged that petitioner is one of the unidentified persons mentioned in the FIR, Annexure P-4. Record shows that allegations have been levelled against three unidentified persons of damaging the vehicle belonged to Amritpal Singh,

uncle of the complainant. Reliance has been placed upon orders dated 12.09.2022 passed in CRM-M-2070-2022 and CRM-M-3263-2022, Annexures P-1 and P-2, respectively, whereby, anticipatory bail granted to co-accused, Amrik Singh and Harinder Kaur @ Ravinder Kaur, has been confirmed by this Court and it has been submitted that petitioner is on a better footing.

Notice of motion.

On asking of the Court, ASI, Rashpal Singh, Police Station Hathur, District Ludhiana, who is the Investigating Officer in the matter and is present before this Court, accepts notice on behalf of the respondent-State.

List on 18.01.2023.

Petitioner is directed to appear before the Investigating Officer on 02.11.2022 at 10.00 A.M. at Police Station Mataur, District S.A.S. Nagar and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel on instructions from ASI Surjit Singh submits that petitioner has joined investigation on 02.11.2022 and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 20.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any

attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

18.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>