

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

293

CRM-M-48671-2022

Date of Decision: 15.02.2023

Tarun Chanan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab
(assisted by ASI Dalbir Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 28.10.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.120 dated 2.10.2022 under sections 323, 341, 354, 509 I.P.C, registered at Police Station, Anandpur Sahib, District Rupnagar.

*Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He submits that both petitioner and complainant side are neighbors and a brawl took place between them and the husband of the complainant gave injuries to the petitioner on his arms and he received 9 stitches. It is submitted that in order to save the husband, the complainant lodged the false and fabricated FIR against the petitioner. Counsel submits that even from the reading of the FIR no case, as alleged against the petitioner is made out. Counsel has placed reliance upon the judicial precedent in case of **Arnesh Kumar V. State of Bihar (2014) 8 SCC 273**. It is further submitted that petitioner has no criminal antecedents as he has never been involved in any criminal offence, however, he is ready and willing to join the investigation.*

Notice of motion.

On the asking of the court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State.

List on 15.2.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel, on instructions from ASI Dalbir Singh, submits that the petitioner has already joined investigation 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 28.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

It is made clear that petitioner shall appear before the Investigating Officer as and when called for and co-operate in the investigation.

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

15.02.2023
Mohit Kumar

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