

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CRM-M-51885-2022

Date of decision: 01.03.2023

Karan Kumar @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.208 dated 02.09.2022 registered under Sections 324, 326, 341, 506, 109 and 34 IPC at Police Station Shahkot, District Jalandhar Rural, Punjab.

On 11.11.2022, this Court had passed the following order:-

“Counsel for the petitioner submits that inadvertently the nick name of the petitioner by which he has been nominated in the FIR i.e. Gora does not find mention in the memo of parties of the present petition. He thus at the outset submits that the description of the petitioner in the memo of parties be amended on his oral request to be reas as 'Karan Kumar @ Gora S/o Jaswant Singh' instead of Karan Kumar S/o Jaswant Singh.

Ordered accordingly.

Registry is directed to carry out the necessary amendment in the memo of parties.

Apprehending his arrest in FIR No.208 (wrongly mentioned as FIR No.205 in impugned order i.e. Annexure P-3) dated 02.09.2022, registered under Sections 324, 341, 506, 109 and 34 IPC and Section 326 IPC added later on at Police Station Shahkot, District Jalandhar Rural, Punjab, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia contends that in the FIR the only allegation qua the petitioner is that he raised lalkara. No injury has been attributed to him.

Notice of motion returnable for 01.03.2023.

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

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject 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 State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioners as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner's abiding by the conditions provided under Section 438(2) Cr.P.C., the order of this Court dated 11.11.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

March 01, 2023

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No