

Date of Decision: 08.12.2023

is not any public servant/official, rather the complaint is made by a private party. Therefore, it would be a moot point for consideration as to whether Section 353 IPC would be attracted in the facts and circumstances of the present case or not?

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 21.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.12.2023.

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

3. Learned State counsel on instructions from ASI Nathi Ram submits that in compliance of order dated 06.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. In view of the statement of learned State counsel, order dated 06.11.2023 is made absolute. The petitioner shall abide by the terms and conditions as enumerated in Section 438(2) of Cr.P.C.

5. Petition stands disposed of.
6. 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.

08.12.2023
manoj

(HARPREET SINGH BRAR)
JUDGE

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