

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

Date of Decision: 08.12.2023

...PETITIONER

...RESPONDENT

Present: Mr. Umesh Pandey, Advocate for
Mr. Rahul Soi, Advocate
for the petitioner.

1. Through instant petition, the petitioner is seeking anticipatory bail to the petitioner in cross case registered vide GD No.017 dated 12.02.2021 under Section 323/325/34 IPC and further enhancement vide GD No.013 dated 03.02.2022 under Sections 458, 148, 149 IPC in FIR No.35 dated 04.06.2020 registered under Section 326-A IPC at Police Station Bakshiwala, District Patiala.

2. On 06.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in cross case registered vide GD No.017 dated 12.02.2021 IPC and further enhancement vide GD No.013 dated 03.02.2022 under Sections 458, 148, 149 IPC in FIR No.35 dated 04.06.2020 registered under Section 326-A IPC at Police Station Bakshiwal, District Patiala.

Learned counsel for the petitioner, inter alia, contends that it is the case of version and cross-version. The petitioner is implicated in the cross-version, which was lodged after 8 months

of the alleged occurrence in which FIR No.35 dated 04.06.2020 was registered against Jagtar Khan, who is the complainant in the cross-version. Thereafter, the investigating agency released the petitioner on bail, as all the offences were bailable in nature. However, after more than 1 year 8 months of the alleged incident, a supplementary statement was made by Jagtar Khan on the basis of which, offences under Sections 458, 148, 149 IPC have been added vide GD No.13 dated 03.02.2022. Even in the supplementary statement, no role or injury has been attributed to the present petitioner.

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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, 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.”

Learned State counsel on instructions from ASI Santokh

Singh, 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. However, it is informed by learned State Counsel that Section 459 IPC is added and offence under Section 458 IPC is deleted during the course of investigation.

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>