

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60372-2023 (O&M)

Date of Decision: 21.12.2023

AMIT KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tushar Sabherwal, Advocate for
Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 80 dated 13.08.2022 registered under Sections 379, 411 of Indian Penal Code at Police Station Bhadson, District Patiala.
2. On 01.12.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.80 dated 13.08.2022 registered under Sections 379, 411 IPC at Police Station Bhadson, District Patiala.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR and the particulars provided by the coaccused in his disclosure statement do not mention name and parentage of the petitioner. It is further contended that the similarly situated co-accused has already been granted the concession of anticipatory bail vide order dated 24.11.2022 passed in CRM-M No.41937 of 2022 titled as Baljeet Singh @ Vicky Vs. State of Punjab. It is

also contended that maximum punishment provided for the offence alleged to be committed under the FIR is 3 years.

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 08.12.2023 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 21.12.2023.

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."

submits that in compliance of order dated 01.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 01.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

21.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No