



CRM-M-636-2024 (O&M)

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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-636-2024 (O&M)

DATE OF DECISION : 25.07.2024

ALI MOHAMMAD @ AALU

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.S.Rana, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case No. COMI/139/2018 dated 10.09.2018, filed before the Court of learned Illaqa/Duty Magistrate, Hoshiarpur, under Sections 452, 323, 324, 436, 120-B, 354, 148 and 149 of the IPC.

2. On 08.01.2024 following order was passed by this Court:

“xxxx It is a complaint case. The petitioner has been summoned by the trial Court to face trial under Sections 452, 323, 324, 436, 120-B, 354, 148 and 149 of the IPC. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation.

Notice of motion.

On advance notice, Ms. Himani Arora, A.A.G., Punjab appears on behalf of the respondent-State.

Adjourned to 26.02.2024 for service of respondent No. 2, subject to payment of litigation expenses of Rs.10,000/- to the complainant.

In the meanwhile, the petitioner is directed to appear before the trial Court within a period of 15 days or on the date fixed before the trial Court (whichever is earlier) and in the event of arrest, the petitioner shall be released on interim bail, on his

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furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court.”

3. Learned counsel for the petitioner contends that the petitioner has joined the proceedings before the trial Court in terms of the order passed by this Court. Copy of the order dated 15.01.2024 passed by learned Judicial Magistrate First Class, Hoshiarpur submitted in the Court, is taken on record.

4. In view of the aforesaid facts and the reasons recorded in the order dated 08.01.2024 and keeping in view the fact that the petitioner has joined the proceedings before the trial Court, the present petition is allowed and the order dated 08.01.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 Cr.P.C.

5. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

6. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 Cr.P.C., or upon showing any other sufficient cause.

7. All the pending miscellaneous applications, if any, shall stand disposed of.

25.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**