

2024:PHHC:023076

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

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CRM-M-1810-2024
Date of decision: 20.02.2024

Ashok Kumar and others

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ritesh Pandey, Advocate, for the petitioners.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.161 dated 22.05.2023 registered for the offences punishable under Sections 323, 354 and 34 IPC, 1860 at Police Station Civil Line Batala, District Batala.

2. On 12.01.2024, the following order was passed:-

“Apprehending their arrest in FIR No. 161 dated 22.05.2023 registered for offences punishable under Sections 323, 354 and 34 IPC, 1860 at Police Station Civil Line Batala, District Batala; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail. Inter alia contends that the dispute between the petitioners and the complainant side has been given the colour of criminal case so as to harass and humiliate the petitioners; the petitioners are willing to join investigation as also cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 20.02.2024.

The petitioners are directed to appear before the Investigating Officer on 19.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Tarsem Lal, has stated that pursuant to the order dated 12.01.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 12.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 20, 2024
poonam

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