

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3237-2024 (O&M)
Date of Decision: 26.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 001 dated 03.01.2024 registered under Sections 452, 323, 506, 148 and 149 of Indian Penal Code at Police Station Kheri Gandian, District Patiala.
2. On 22.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 001 dated 03.01.2024 registered under Sections 452, 323, 506, 148, 149 IPC at Police Station Kheri Gandian, District Patiala.

Learned counsel for the petitioner inter alia contends that all other co-accused have been granted concession of ad interim anticipatory bail by the learned Additional Sessions Judge, Patiala. The injury attributed to the petitioner is simple in nature. The maximum sentence under which the present FIR is lodged is punishable upto seven years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner.

Notice of motion.

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 31.01.2024 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 investigation, in terms of the order of this Court.

Adjourned to 26.02.2024.

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 Jaspinder Singh, submits that in compliance of order dated 22.01.2024 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 22.01.2024, 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.

26.02.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No