

CRM-M-4604-2024

CRM-M-4604-2024 (O&M)
Date of Decision: 29.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioners are seeking anticipatory bail in case FIR No. 151 dated 19.12.2023 registered under Sections 384, 506 and 120-B of Indian Penal Code at Police Station Sarabha Nagar, District Ludhiana.
2. On 30.01.2024, 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 petitioners in FIR No.151 dated 19.12.2023 registered under Sections 384, 506, 120-B IPC at Police Station Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioners, inter alia, contends that the petitioners have been falsely in the present case. The maximum sentence provided for commission of offences as alleged in the FIR supra is upto 3 years and no notice under Section 41-A Cr.P.C. was issued to the petitioners. Therefore, in view of the ratio of law culled out in the judgment of the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51, the petitioners are entitled for bail.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., 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 petitioners.

*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 petitioners are directed to appear before the Investigating Officer on or before 06.02.2024 and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners 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 petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 29.02.2024.

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 Rajinder Kumar, submits that in compliance of order dated 30.01.2024 passed by this Court, the petitioners have joined the investigation and they are not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 30.01.2024, is made absolute. The petitioners shall abide by

the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

29.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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