

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-5462-2024 (O&M)
Date of Decision:13.03.2024

MANJOT SINGH ALIAS BITTA

....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagjit Singh Gill, Advocate with
Mr. Lakhan Paul Garg, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

On 02.02.2024, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.184 dated 16.10.2023 registered under Sections 307, 323, 34 of the IPC registered at Police Station City Fazilka, District Fazilka.

As per allegations in an incident which took place on 15.10.2023, three unknown persons on a motorcycle chased complainant Ajay Kumar and hit his scooter. It is also alleged that they inflicted kapa blows on Hasmukh @ Kali. Said injured Hasmukh @ Kali identified co-accused Mohit Bathla and Ashok Brar. The attribution to the petitioner is that he has been nominated after a gap of 22 days, by the complainant.

Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he is not named in the FIR; that he is nominated after 22 days by way of G.D. No.35 dated

07.11.2023; that petitioner is ready to join the investigation.

Notice of motion.

Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of respondent- State whereas Mr. Hardik Ahluwalia, Advocate for Mr. A.S. Manaise, Advocate puts in appearance on behalf of complainant.

Learned counsel for the complainant though opposed the petition but could not convince this Court as to what was the source on whose basis petitioner was nominated to be one of the assailants after 22 days of the incident.

Adjourned to 13.03.2024 for filing detailed status report.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

On 27.02.2024, following order was passed:

“Petitioner was allowed interim anticipatory bail vide order dated 02.02.2024 passed in CRM-M-5462-2024 in case FIR No.184 dated 16.10.2023 registered under Sections 307, 323, 34 of the IPC registered at Police Station City Fazilka, District Fazilka.

By way of the present application, prayer is made to add Section 120-B of the IPC in the headnote as well as prayer clause of the main petition and also to modify the order dated 02.02.2024 accordingly, submitting that Section 120-B of the IPC was added later on vide G.D. No.31 dated 10.01.2024.

Notice of the application.

Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on

behalf of respondent- State.

Learned State counsel has no objection.

Application is allowed.

Section 120-B of the IPC is permitted to be inserted in the headnote as well as prayer clause of the main petition.

Registry is directed to do the needful.

In view of the above, order dated 02.02.2024 is also modified by clarifying that interim anticipatory bail to the petitioner shall also be deemed for the offence under Section 120-B of the IPC

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 02.02.2024 read with order dated 27.02.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

13.03.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No