

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

277

CRM-M-5768-2024 (O&M)

Date of decision: 27.02.2024

KARAN

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

CRM-7986-2024

1. At the very outset, learned counsel for the petitioner seeks permission to withdraw the present application.
2. Permission granted.
3. Consequently, the instant application is dismissed as withdrawn.

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4. On the last date of hearing i.e on 05.02.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.100 dated 02.09.2023, under Section 454, 427, 436, 336, 148, 149, 506, 120-B of the IPC, registered at P.S. City-II, Abohar.

2. The gist of the prosecution case, as embodied in paragraph No.4 of the order dated 22.01.2024, whereby, the learned Additional

Sessions Judge, Fazilka, dismissed the pre-arrest bail application of the petitioner, is extracted hereinafter:-

“4. The facts of the matter, as per contents of the FIR and other documents/papers, are that FIR in present matter was registered on the statement of complainant Komal who stated that a fight took place of her husband Rupinder and her father-in-law Krishan Kumar with Sunil Kumar @ Bhiaya and due to injuries suffered by Sunil Kumar @ Bhiaya, he died and that the complainant and her mother-in-law Pushpa left their house on coming to know about said occurrence on 01.09.2023. Complainant stated that she was informed on 02.09.2023 by Bikram son of Raju, cousin of her husband, that accused party comprising of Kaku, Inder Kumar, Kanar, Vicky, applicant Karan, Akshay Kumar, Sunny Palado and 12 other unknown persons, entered the house of family of complainant by breaking the main gate and caused breakage of the articles of the house and set the house on fire. Complainant stated that said occurrence was committed in pursuance of conspiracy hatched by accused Sudesh Pal Singh.”

3. The learned counsel for the petitioner submits that, though the petitioner has been named in the FIR, however, no role whatsoever has been assigned to him therein. Even the presence of the petitioner, at the alleged place of occurrence, is also highly doubtful, as the FIR is an outcome of hearsay information. Moreover, no recovery is to be effected from the petitioner, as the FIR does not carry any allegations qua theft of any household articles by the petitioner.

4. Lastly, the learned counsel for the petitioner submits that, the petitioner is ready to join the investigation, and, to co-operate with the investigating agency.

5. Notice of motion for 22.02.2024.

6. Mr. Dig Vijay Nagpal, A.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

7. In the meantime, the petitioner is directed to join the

investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

5. Learned counsel for the petitioner submits that in pursuance of the order dated 05.02.2024, the petitioner had joined the investigation.
6. Learned State counsel, on instructions from the official respondent, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.
7. In view of the statement made by learned State counsel, the interim order dated 05.02.2024, is hereby made absolute.
8. All pending miscellaneous application(s) stand disposed of accordingly.

27.02.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No