



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5837-2024
Date of Decision : July 23, 2024

ANKUSH ALIAS ANKUSH KUMARPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S.Sidhu, Advocate for
Mr. Kuldep Singh, Advocate for the petitioner.
Mr. Pardeep Bajaj, DAG, Punjab.
Mr. C.M.Munjal, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 5.2.2024, the following hereinafter extracted order was passed by a co-ordinate Bench of this Court:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.130 dated 05.07.2023, under Sections 304, 201 of IPC and Sections 27 and 29 of NDPS Act (Section 302 of IPC added later on vide Rapat No.61 dated 21.11.2023), at Police Station City-1 Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner was entangled in the present FIR, however, he was granted the concession of regular bail vide order dated 25.08.2023. Subsequent thereto the prosecution enhanced the charge to Section 302 of IPC instead of Section 304 of IPC and this has necessitated the filing of the present anticipatory bail application.

*Learned counsel for the petitioner relies upon the judgment passed by this Court in case titled as "**Sandeep Sahni vs. State of Punjab**", 2006(2) R.C.R. (Criminal) 546 to substantiate his arguments that once the petitioner was granted the concession of regular bail, any subsequent change/enhancement of the charge imposed could not be detrimental to the concession already granted. He further submits that the petitioner neither misused the concession of bail nor the same has been cancelled and, therefore, should be granted the relief of anticipatory bail.*

Notice of motion.

Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of the State.

Learned State counsel submits that regular bail was granted to the petitioner when the investigation was pending, however, it was on the basis of the medical record that came forth later on that the injuries attributed to the petitioner were fatal in nature that Section 302 of IPC has been invoked. However, could not deny the fact that the petitioner has not misused or violated any condition of bail which was granted to him on 25.08.2023.

In light of the above, without commenting on the merits of the case, the petitioner is directed to join investigation on 13.02.2024 at 10:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 13.03.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Kulwinder Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 5.2.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 23, 2024
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(KULDEEP TIWARI)
JUDGE

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