

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-6400-2024 (O&M)
Date of Decision: 25.04.2024

RISHAV KUMAR ALIAS RESHAV ...Petitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Sr. DAG, Punjab

MANISHA BATRA, J. (Oral)

1. The petitioner herein, is seeking pre-arrest/anticipatory bail in case bearing FIR No.266 dated 20.09.2021 registered under Sections 323, 506, 354 of IPC at Police Station Salem Tabri District Police Commissionerate, Ludhiana.
2. Vide order dated 04.03.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 04.03.2024 passed by this Court reads as under:-

“The present petition has been filed under Section 438 of Cr.P.C. seeking pre-arrest bail in FIR No. 266 dated 20.09.2021 registered under Sections 323, 506, 354 of Indian Penal Code, 1860 at Police Station Salem Tabri, District Police Commissionerate, Ludhiana.

The abovesaid FIR has been registered on the basis of statement recorded by complainant ‘G’ (name withheld) alleging therein that on 19.09.2021, at about 6:30 PM, she was going from her house to Peeru Banda Mohalla, when Reshav came on a motorcycle, started stalking her and doing indecent acts with her. When she resisted, then he started extended threats to her and

even abused her. He also outraged her modesty, physically assaulted her and also insulted her. She further alleged that the Reshav was keeping an evil eye upon her and had a quarrel with her mother even one month back, due to this reason. After registration of the FIR, investigation proceedings were initiated.

The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the FIR has been registered against one Rishav Kumar son of Paramjit Shammi resident of Salem Tabri, Ludhiana whereas, the name of his father is Pawan Kumar and he is resident of Bagwan Dass Colony, Ward No. 25, Ludhiana. It is also submitted that in this way, it is not the petitioner who has been nominated as an accused in this case and it is some other Rishav. He had moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Ludhiana, which has been dismissed vide order dated 11.10.2023. It is submitted that he is ready to join the investigation. His custodial interrogation is not required. Therefore, it is argued that he deserves to be given concession of bail.

Learned State counsel seeks time to file status report.

Adjourned to 25.04.2024.

On oral request of learned counsel for the petitioner the complainant is ordered to be impleaded as respondent No.2.

Amended memo of parties be filed.

Notice to newly added respondent be issued for the date fixed on depositing of process fee by learned counsel for the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner(s) shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C”.

3. Learned State counsel has filed status report dated 25.04.2024 and states that the petitioner has joined the investigation on 11.03.2024 and he is not required for custodial interrogation. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 04.03.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

25.04.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |