

CRM-M-7029-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7029-2024
Date of decision: 28.02.2024

Ashish Kumar @ Ashish FelixPetitioner

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Karanvir Singh, Advocate,
for Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Status report dated 27.02.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub-Division Fazilka, District Fazilka, on behalf of State-respondent No. 1, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR as under: -

FIR No.	Dated	Sections	Police Station
0084	09.11.2023	294, 427, 452, 506, 149 IPC	P.S. Khui Khera, District Fazilka.

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3. Learned counsel for the petitioner submits that in compliance to the order dated 09.02.2024, the petitioner has joined the investigation.

4. During the course of hearing on 09.02.2024, following order had been passed: -

‘2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of property dispute pending in the Civil Court as well as in the Revenue Courts with the Uncle of the petitioner, who happens to be the complainant in the case.*

3. *Learned counsel for the petitioner further contends that as per the allegations, the alleged occurrence is stated to be of 31.12.2022 whereas the complaint was moved on 03.01.2023 and the FIR has been registered after about one year thereof. Learned counsel further contends that the petitioner is having clean antecedents and is ready to join the investigation.*

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

6. *Adjourned to 28.02.2024.*

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7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.'*

5. Learned State counsel on instructions from HC Kuldeep, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 09.02.2024 passed by this Court, interim bail granted vide order dated 09.02.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

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7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall
not be construed to be an expression of opinion on the merits of the
case.

28.02.2024
preeti

(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No