

2024:PHHC:007265

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7278-2023
Date of decision: 19.01.2024

Manish Kumar Wadhera

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manu Loona, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Rahul Sharma, Advocate for respondent No.2.

SUMEET GOEL, J.

1. On 13.10.2023, the following order was passed:-

“Learned counsel for the petitioner submits that though vide the order dated 10.02.2023 passed by the Co-ordinate Bench, the present matter had been referred to the Mediation and Conciliation Centre of this Court and the mediation proceedings remained unsuccessful but the petitioner had never been directed to join in the investigation whereas he (petitioner) is ready and willing to do so.

Adjourned to 19.01.2024.

Meanwhile, the petitioner shall join in the investigation on 30.10.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

2. Learned State counsel on instructions from Head Constable

Seema Rani has stated that pursuant to the order dated 13.10.2023, the

petitioner has joined investigation and is no longer required for custodial interrogation. It has also been brought to the notice of this Court by the learned State counsel that at the time of registration of FIR, Section 323 IPC was not added, however, it was added later on.

3. In view of above, the interim order dated 13.10.2023 passed by this Court is made absolute. The petitioner shall be deemed to have been granted pre-arrest bail in context of offence under Section 323 IPC also, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 19, 2024
poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No