



CRA-S-548-2024 (O&M)

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247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-548-2024 (O&M)

DATE OF DECISION : 22.08.2024

RAKESH GOGNA AND ANOTHER

... APPELLANTS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mrs. G.K.Mann, Senior Advocate with
Ms. Simrat Kaur, Advocate for the appellants.
Ms. Sakshi Bakshi, AAG, Punjab.
Mr. V.K.Kaushal, Advocate for the complainant.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed by the appellants assailing the order dated 06.02.2024 passed by the learned Judge, Special Court, Hoshiarpur, whereby anticipatory bail sought by the appellants has been dismissed in G.D.No. 036, dated 03.01.2024, under Sections 323, 326, 354, 354-A, 379 and 452 of the IPC read with Section 34 thereof and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in FIR No. 245, dated 11.10.2021, under Sections 452, 379, 323 and 506 of the IPC read with Section 34 thereof, registered at Police Station Model Town, District Hoshiarpur.

2. On 01.07.2024 following order was passed by this Court:

“xxxx Learned counsel for the appellants *inter alia* contends that as per the decision by the Hon’ble Division Bench dated 29.05.2024 in *Jatin Vs. State of Punjab* in *CRM-M-17856-2020*, the petition is maintainable under Section 438 Cr.P.C.

3. Learned counsel for the appellants further contends

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that appellants have been attributed simple injury on the non-vital part of the body and appellant No.2 is just 16 years' old and a young boy. The appellant No.2 undertakes that he would be a friendly neighbourer with the complainant.

4. Adjourned to 22.08.2024.

5. In the meanwhile, the appellants are directed to join investigation within ten days and in the event of arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

x x x x x. ”

3. The appeal qua appellant No.1 has already been dismissed as withdrawn as per order dated 20.02.2024.

4. Learned State counsel submits that appellant No.2 has joined the investigation in compliance of the order passed by this Court and his custodial interrogation is not required.

5. Keeping in view the age of appellant No.2 as 16 years and the undertaking given by him, which is recorded on 01.07.2024 and in view of the reasons recorded in the order dated 01.07.2024, the present appeal is allowed on behalf of appellant No.2. The order of dismissal of bail application on behalf of appellant No.2 dated 06.02.2024 passed by the learned Judge, Special Court, Hoshiarpur is set aside and order dated 01.07.2024 granting interim bail to appellant No.2 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling of the order in case appellant No.2 violates

any condition stipulated under Section 438 (2) Cr.P.C., or upon showing



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any other sufficient cause.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

22.08.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No