

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

Neutral Citation No. **2024:PHHC:023709**
CRM-M-8208-2024
Date of Decision: February 20, 2024

Mohit Kumar alias Kaka **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Johal, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this second petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in a case arising out of FIR No.001 dated 02.01.2017, under Sections 307, 323 and 34 of IPC, registered at Police Station Talwara, District Hoshiarpur. The earlier petition bearing No.CRM-M-2525-2024 was dismissed as withdrawn with liberty to file fresh petition vide order dated 18.01.2024.

2. Short reply by way of affidavit of Shri Jagdish Raj, Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur, has been filed on behalf of respondent-State.

3. Arguments have been heard at length.

4. Learned State counsel submits that role of the petitioner is to have given stick blow to deceased Sandeep Kumar.

5. On the other hand, learned counsel for the petitioner has drawn attention towards the observations made by this Court in the order dated 07.02.2024 passed by this Court in CRM-M-3790-2024 (Annexure P-11), whereby after taking into consideration all the facts and

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circumstances, co-accused Vinay Kumar alias Mithu was granted the benefit of anticipatory bail.

6. I have gone through the detailed order dated 07.02.2024 (Annexure P-11) passed by this Court.

7. This Court finds that the case of the petitioner is on the same footing as that of co-accused Vinay Kumar alias Mithu. Therefore, for all the reasons as are duly explained in the order dated 07.02.2024 (Annexure P-11) and without commenting anything on the merits of the case, present petition is allowed. Petitioner is directed to released on interim bail by the arresting officer in the event of his arrest on account of warrant of arrest having been issued against him. At the same time, petitioner is hereby directed to surrender before the trial Court concerned on or before 06.03.2024. On his such surrender, the Court concerned shall admit the petitioner to bail on usual terms and conditions. The Court shall also be at liberty to impose necessary conditions to ensure the presence of the petitioner during trial.

February 20, 2024

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No