

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

206

CRM-M-8475 of 2023

DATE OF DECISION :- 06.03.2024

Gourav @ Golu

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** None for the petitioner.

Mr. Sumit Jain, Additional P.P. U.T., Chandigarh.

SUMEET GOEL, J. (Oral)

1. On 17.02.2023, the following order was passed:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.92 dated 01.08.2022, under Sections 147,148, 149, 323, 354, 379, 379B IPC later on added Section 392,394, 395 and 397 of IPC at Police Station Maloya, UT, Chandigarh.

Learned counsel for the petitioner submits that the allegations leveled in the FIR are concocted and in fact a small brawl occurred due to high music on the festivity of Teej, which has been given a criminal colour. He further submits that the other co-accused have already granted concession of regular bail in CRM-M-6011-2023 on 09.02.2023 and nothing has to be recovered.

Notice of motion.

Mr.Sumit Jain, Addl. PP, UT, Chandigarh, accepts notice on behalf of the State and has opposed the concession of bail and submits that the petitioner did not put in appearance and charges are not framed yet and there are serious allegations against the petitioner.

Without commenting on the merits, let petitioner shall join investigation on 28.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter In the event of arrest, the petitioner be released on

interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 27.04.2023.”

2. Learned State counsel, on instructions from ASI Sahab Singh, has stated that pursuant to the order dated 17.02.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. In view of above, the present petition stands allowed and the interim order dated 17.02.2023 passed by this Court is made absolute, 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

06.03.2024

P.Singh

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No