

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9996-2024
Date of decision: 05.04.2024

SHIVAM SHARMAPetitioner

Versus

STATE OF PUNJABRespondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Aharjot Grewal, Advocate and
Mr. Prateek Sodhi, Advocate
for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
99	04.08.2023	452, 427, 34 IPC	D-Division, District Police Commissionerate, Amritsar

2. Learned counsel for the petitioner submits that in compliance
to the order dated 06.03.2024, the petitioner has joined the investigation.
3. During the course of hearing on 06.03.2024, following order
had been passed: -

1. Status report dated 06.03.2024 filed in the form of an affidavit of Assistant Commissioner of Police, Central Amritsar is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Heard.

3. Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has property dispute pending with his uncle Brij Mohan, regarding which, the learned Civil Court has already granted stay in favour of the petitioner. He submits that the uncle of the petitioner had earlier also lodged an FIR No.90 dated 30.08.2021 under Sections 323, 452, 380, 506 and 34 IPC at Police Station D-Division, Amritsar and now the present FIR has been got lodged by the complainant, who is friend of his uncle. He submits that neither any specific overt act nor any injury is attributed to the petitioner in the present case and he is ready to join investigation.

4. Per contra, learned State counsel on instructions from SI Arun Kumar, Investigating Officer of the case submits that the custodial interrogation of the petitioner is required to recover the iron rod. However, the Investigating Officer has admitted that no injury has been caused in the alleged incident nor any recovery has been effected of any article during the spot inspection. 5. Learned counsel for the complainant assisting the learned State counsel has submitted that the petitioner had trespassed the house of the complainant while being armed with an iron rod, therefore, does not deserve the concession of bail.

6. Keeping in view the facts and circumstances, it is deemed appropriate that the petitioner should join the investigation first, before deciding the petition on merits. Accordingly, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall 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.

7. List on 03.04.2024.

4. Learned State counsel on instructions from ASI Sukhdev Singh informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. 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 06.03.2024 passed by this Court, interim bail granted vide order dated 06.03.2024 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.

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

05.04.2024
puneet

(SANJIV BERRY)
JUDGE

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