

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

212

2024:PHHC:059805
CRM-M-10472-2024
Date of decision: May 1st, 2024

Kevin Chaudhary
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.219 dated 03.09.2022 registered under Sections 307, 324, 148, 149 and 506 of IPC (Section 326 of IPC added later on) at Police Station City, District Hoshiarpur.

2. While issuing notice of motion on 28.02.2024, a coordinate Bench of this Court had noticed the following contentions of learned counsel for the petitioner:-

“Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner had caused an injury with Khanda on the left side of head of the complainant. Learned counsel contends that both the parties have entered into a compromise with the intervention of the well wishers and respectables vide compromise deed dated 29.08.2023 (Annexure P-2). Learned counsel further contends that in a cross-version case bearing FIR No. 154 dated 27.11.2018 under Sections 323, 324, 379, 427, 325, 326, 148 and 149 of IPC, Police Station Bullowal, District Hoshiarpur, the petitioner has been wrongly

declared as proclaimed person. He further contends that the order, whereby, the petitioner was declared as a proclaimed person, is the subject matter of challenge in a petition, i.e. CRM M-49967 of 2023 titled as “Kevin Chaudhary Vs. State of Punjab” and the same is pending before this Court. Learned counsel further contends that in the present case, all the other co-accused have already been granted the concession of bail and the custody of the petitioner will not serve any meaningful purpose.”

3. Learned counsel for the petitioner submits that in compliance of aforementioned order, he has joined investigation and cooperated with the investigating agency.
4. On a pointed query put to learned counsel for the petitioner as to whether the petitioner had been declared a proclaimed offender, he has informed the Court the order declaring the petitioner a proclaimed offender had since been stayed by this Court vide order dated 03.04.2024 passed in CRM-M-49962-2023.
5. Learned State counsel, on instructions from ASI Kuldeep Raj, does not dispute the submissions made by the counsel opposite and also the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.
- 6 In view of the above, the petition is allowed and interim order dated 28.02.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

May 1st, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No