



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

CRM-M-10174-2024

Date of Decision : 16.07.2024

AKSHAY KUMAR

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.S.Aulakh, Advocate,
for the petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 27.02.2024, a co-ordinate bench had passed the
hereinafter extracted order, upon the instant petition:-

“The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in a case having FIR No. 232 dated 02.09.2022 under Section 458, 326, 506, 148, 149 and 307 (added later on) of the Indian Penal Code, registered at Police Station City Malout District Sri Muktsar Sahib.

Counsel for the petitioner submits that the petitioner was falsely named in the FIR but even otherwise as per the allegations appearing in the FIR, the petitioner who was armed with baseball bat caused injury on the left shoulder of the uncle of the complainant. No grievous or dangerous injury is attributed to the petitioner. The petitioner who is having no criminal history is ready to join investigation with the police.

Notice of motion.

Mr. J.S. Dhaliwal, Assistant Advocate General, Punjab accepts notice on behalf of the State and on instructions from HC Sandeep Kumar, Police Station City Malout, District Sri Muktsar Sahib submits that the petitioner was member of the unlawful assembly and was armed with baseball bat with which he caused injury on the left shoulder of Rajan Kumar and is required by the police for proper investigation of the case.

The State counsel further apprised the Court that the main accused namely Rohit Kumar, Manav Kumar, Karan Kumar and Chahat Kumar are arrested by the police and only simple injury is attributed to the petitioner who is having no criminal history.

In view of the above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the condition envisaged under Section 438(2) of Cr.P.C.

Now to be listed on 13.05.2024.”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Sukhdial Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 27.02.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 16, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No