



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10765-2024
Date of decision: 28.05.2024

NEERAJPETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Ravi Malhotra, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Section	Police Station
144	21.10.2023	323, 324, 325, 341, 379-B, 506 and 34 of IPC	Adampur, District Jalandhar, Rural.

2. Learned counsel for the petitioner submits that in compliance to the order dated 04.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 04.04.2024.
3. Learned State counsel intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.
4. During the course of hearing on 04.04.2024, following order was passed:



“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.0144 dated 21.10.2023, under Sections 323, 324, 325, 341, 379-B, 506 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Adampur, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that there is an unexplained delay of seven days in lodging the present FIR. It is further submitted that as per the FIR, petitioner has been attributed an injury on the ribs of the complainant and as per the status report filed by the State, the said injury is simple in nature. Learned counsel contends that no recovery of motorcycle or gold chain has been effected. It is submitted that the petitioner is not involved in any other case. It is next submitted that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of learned Additional Sessions Judge, Jalandhar, has been wrongly declined vide order dated 08.02.2024 (Annexure P-1). It is further submitted that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court. Accordingly, prayer for grant of anticipatory bail has been made.

3. Learned State counsel opposes the plea of petitioner for grant of anticipatory bail on the ground of seriousness of offence, however, it is not disputed that the petitioner is not involved in any other case. It is also not disputed that the injury alleged to be inflicted by the petitioner on left rib of the complainant is simple in nature.

4. List on 28.05.2024.

5. In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process;



and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”

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 04.04.2024 passed by this Court, interim bail granted vide order dated 04.04.2024 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.

6. The petition stands allowed.

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.

(SANJIV BERRY)
JUDGE

28.05.2024
kanika

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