

CRM-M-11438-2024
Date of decision: 10.04.2024

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.17 dated 17.02.2023 under Sections 323/379-B/148/149/120-B of IPC in which offence under Section 379-B of IPC has been deleted and offence under Section 397 of IPC has been added later on registered at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar.

On 04.03.2024, the following order was passed:-

'The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.17 dated 17.02.2023 registered under Sections 323, 379-B, 148, 149, 120-B IPC (Section 379-B IPC has been deleted and Section 397 IPC has been added later on) at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner, inter alia, contends that there is a delay of 7 days in registration of the FIR and no injury has been attributed to the petitioner. Moreover, a case of snatching has been added only to aggravate the offence, otherwise the petitioner and the complainant are well known to each other as they belong to the same locality. The maximum punishment provided for the offence alleged to be committed in the FIR (supra) is upto 7 years and no notice under Section 41-A Cr.P.C. was served upon the petitioner. As

*such, in view of the ratio of law culled out in the judgment rendered by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, the petitioner is entitled for bail.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 12.03.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 10.04.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from ASI Barjinder Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 04.03.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.04.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No