

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104+215

CRM-M-11845-2024 (O&M)
Date of decision: 08.04.2024

HARSPREET SHARMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gurcharan Dass, Advocate for the petitioner(s).

Ms. Sakshi Bakshi, AAG Punjab.

SANJIV BERRY. J. (Oral)

CRM-15424-2024

For the reasons stated in the application, same is allowed. Annexure P-16 is taken on record subject to all just exceptions.

Disposed of.

CRM-M-11845-2024

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
163	08.10.2023	307, 506, 148 and 149 IPC; 25 and 27 of the Arms Act	Model Town, Ludhiana

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 06.03.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Pradeep Kumar has

intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 06.03.2024, 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.163 dated 08.10.2023 registered under Sections 307, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Model Town, Ludhiana.

Learned counsel for the petitioner, inter alia, contends that the petitioner has not been named in the FIR. Moreover, his tower location was verified by the investigating agency and same was not found at the place of occurrence. It is further contended that specific injuries attracting Section 307 IPC have been attributed to the co-accused Kanwarbir Singh alias Deo and there is nothing on record against the petitioner in the final report filed under Section 173 Cr.P.C. against the co-accused.

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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 13.03.2024 and on his doing so or in the event of arrest, 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 08.04.2024.

CRM-M-11845-2024 (O&M)

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.”

6. 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. The petition stands allowed.

(SANJIV BERRY)
JUDGE

08.04.2024

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No