

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16009-2024
Date of decision: 22.08.2024

RAJBIR ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Ramandeep Kaur, Advocate for
Mr. Monty Goyal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Rhythem Bajaj, Advocate for the complainant.

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 (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
19	25.02.2024	336, 506, 294 of IPC and Section 25 of Arms Act.	Daba, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner submits that in compliance to the order dated 03.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 03.04.2024.
3. Learned State counsel, on instructions received from ASI Ravinder Kumar, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.



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4. Learned counsel for the complainant opposed the submissions made by learned counsel for the petitioner.

5. During the course of hearing on 03.04.2024 , following order was passed:

“Petitioner prays for grant of pre-arrest bail in FIR No.19 dated 25.02.2024 (Annexure P-1), registered under Sections 336, 506 and 294 of the Indian Penal Code, 1860 and Sections 25, 54 and 59 of the Arms Act, ,1959, at Police Station Daba, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that there was a minor dispute between the parties over a stray dog and the version put forth by the prosecution is highly unbelievable. He further contends that in the present case no person had suffered any injury and all the offences except the offence under Section 25 of the Arms Act are bailable in nature. He also submits that the petitioner shall cooperate with the investigating agency in the present case.

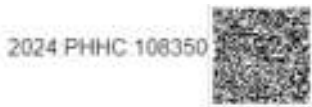
Notice of motion.

On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of the respondent-State, while Mr. Rhythem Bajaj, Advocate has put in appearance on behalf of the complainant.

List on 01.05.2024.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petitioner as well as the complainant shall remain present in the Court on the date fixed.”



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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 03.04.2024 passed by this Court, interim bail granted vide order dated 03.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.
8. 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

22.08.2024
kanika

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No