



CRM-M-16312 of 2024 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212/102

CRM-M-16312 of 2024 (O&M)
DATE OF DECISION :- 18.09.2024

Vinod Kumar

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Kulwant Singh, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Harkirat Singh Ghuman, Advocate for complainant.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 03 dated 05.01.2023, registered for offences under Sections 294,427,323,506,148,149 of the IPC (Sections 307 and 354 IPC added later on), at Police Station Dugri, District Ludhiana.

2. On 22.04.2024, the following order was passed:-

“Challenge in the present case is to the order dated 17.08.2023 (Annexure P-5) passed by the learned Judicial Magistrate, 1st Class, Ludhiana whereby the petitioner was declared as proclaimed offender and also quashing the proceedings arising qua the present petitioner in FIR No.03 dated 05.01.2023 was registered under Sections 294, 427, 323, 506, 148, 149 IPC (Sections 307 and 354 IPC added later on) at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner inter alia contends that FIR No.03 dated 05.01.2023 was registered under Sections 294, 427, 323, 506, 148, 149 IPC at Police Station Dugri, District Ludhiana. The petitioner had appeared before the Investigating Officer and was granted bail since it was bailable offence.

Learned State counsel upon instructions from SI Sukhdev Singh has confirmed the aforesaid fact.

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Learned counsel for the petitioner further contends that later on offence under Sections 307 and 354 IPC was added. The petitioner was not aware of the abovesaid information as he was not residing at the address mentioned in the FIR, however, he is ready to join the investigation. He submits that even the cross-case has been registered at the instance of Vinod Kumar. The allegations on the version and cross- version are subject matter of the trial.

Adjourned to 16.05.2024.

In the meanwhile, the petitioner is directed to join the investigation within 10 days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

- (i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.*
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.*
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.*

Order dated 17.08.2023 (Annexure P-5) declaring the petitioner as proclaimed offender shall remain in abeyance till then.

To be heard along with CRM-M-9753-2024.

A photocopy of this order be placed on the connected file.”

3. Learned State counsel, on instructions from S.I. Sukhdev Raj has stated that pursuant to the order dated 22.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by raising submissions in tandem with the written reply submitted by the complainant.



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5. It is pertinent to mention herein that the order dated 17.08.2023 whereby the petitioner was declared as a proclaimed offender since stands quashed vide judgment dated 16.09.2024 passed in CRM-M-1670 of 2024.
6. In view of above, the present petition stands allowed and the interim order dated 22.04.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
7. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.
8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

18.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No