

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-19150-2024
Date of decision: 13.05.2024

MANAV ALIAS GOPU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Munish Gupta, Advocate for the complainant.

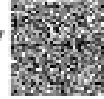
KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 20.04.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.40 dated 27.02.2024, under Sections 323, 341, 506, 148, 149 of the IPC (Sections 353, 186, 157, 212 of the IPC added subsequently), registered at P.S. Kotwali, Patiala.

2. What emerges from the record, is that, the present FIR derives its origin from the statement of one Akshay Kumar son of Roshan Lal (hereinafter referred to as the ‘complainant’), wherein he alleged that, in a road rage, the petitioner along with his co-accused inflicted various injuries to him and his companions. One of the injuries, as suffered by the complainant, was declared as “grievous in nature”.

3. The learned counsel for the petitioner submits that though the petitioner has been nominated as one of the assailants in the FIR,



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however, no specific injury has been attributed therein to him. In fact, the present FIR is the outcome of concoction and concealment, inasmuch as, the complainant has concealed the factum of injury, i.e. incised wound L shaped 10 cm x 3.5 cms on right forearm, becoming suffered by the petitioner himself. To substantiate this argument, he has drawn attention of this Court towards Annexure P-2, wherein becomes enclosed MLR of the petitioner.

4. Notice of motion for 13.05.2024.

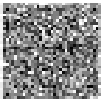
5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Baljinder Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. At this stage Mr. Munish Gupta, Advocate has caused appearance on behalf the complainant, and has vociferously opposed the asked for relief of anticipatory bail to the petitioner, and submits that the nature of offence, which the petitioner has committed, does not entitle him for the grant of anticipatory bail.

3. Be that as it may, considering the fact that the petitioner has already joined the investigation, and he has fully co-operated with the Investigating Officer, the present petition is **allowed** and order dated 20.04.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the



conditions as envisaged under Section 438(2) Cr.P.C.

13.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No