



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-23402-2024

Date of decision: 06.08.2024

KARAN AND ANOTHER

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Paras Jhamb, Advocate for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Section	Police Station
141	30.12.2023	323, 324, 341, 148 and 149 of IPC and Sections 325 and 326 of IPC added later on.	City-2, Abohar, District Fazilka.

2. Learned counsel for the petitioners submits that in compliance to the order dated 13.05.2024 passed by this Court, the petitioners have already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 13.05.2024.

3. Learned State counsel, on instructions from ASI Bhupender Singh, intimates the Court that the petitioners have joined investigation and are neither required for further investigation nor for any custodial investigation.



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4. During the course of hearing on 13.05.2024, following order was passed:

“By way of present petition filed under Section 438 Cr.P.C., the two petitioners – Karan and Suraj, pray for grant of anticipatory bail in case FIR No.141 dated 30.12.2023 registered under Sections 324, 323, 341, 148, 149 IPC (Offences under Sections 325, 326 IPC added later on) at Police Station City-2, Abohar, District Fazilka.

Learned counsel contends that initially, DDR No.32 dated 17.01.2024 (Annexure P.2), was recorded at Police Station City 2, Abohar, District Fazilka, for offences under Sections 323, 324, 341, 148 and 149 IPC i.e. all bailable offences and that the two petitioners and the co-accused, after their arrest, were allowed bail. Learned counsel further contends that more than two months later, i.e. on 22.03.2024, another GD No.27 dated 22.03.2024 (Annexure P.3) was recorded, by adding Sections 325 and 326 IPC.

Learned counsel then drawn attention towards FIR No.0141 dated 30.12.2023 (Annexure P.1) so as to contend that the injury attracting Section 326 IPC on the head and forehead of the complainant Ritik, are attributed to Ankit alias Dhillu and Honey. Further attention is drawn towards the fact that only injury attributed to the petitioner- Karan is with a dang on the leg of Ritik; whereas the role attributed to petitioner – Suraj is to have catch hold of another witness, namely, Bittu, maternal uncle of the complainant.

Learned counsel contends that petitioners are ready to join the investigation and so, they be allowed the benefit of anticipatory bail.

Notice of motion.



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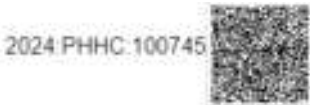
Mr. Amandeep Singh, DAG, Punjab, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Learned State Counsel could not refute the afore-said contentions. On instructions from HC Rasdeep Singh, learned State Counsel concedes that the injury attracting Section 326 IPC is not attributed to any of the petitioners, although the injury attracting Section 325 IPC is attributed to petitioner – Karan.

Adjourned to 06.08.2024 for filing status report.

In the meantime, in case of their arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade them from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 13.05.2024 passed by this Court, interim bail granted vide order dated 13.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioners are 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 petitioners; they will not tamper with the



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evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. 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

06.08.2024
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |