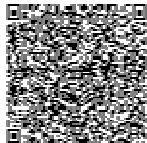


2024:PHHC:099183



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

210

CRM-M-26502-2024 (O&M)
Date of decision: 02.08.2024

Rajiv Kumar and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Davinder Lubana, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. M. S. Saini, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. CRM-30311-2024

Allowed as prayed for.

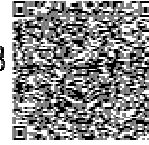
Copy of FIR No. 42 dated 03.04.2024 is taken on record.

2. CRM-M-36502-2024 (O&M)

Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No.27 dated 15.03.2024 registered under Sections 323, 324, 148, 149, 506 IPC and *(Sections 307, 326 IPC added later on)* at Police Station Bullowal, District Hoshiarpur, Punjab.

3. Vide order dated 24.05.2024, passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 24.05.2024, passed by this Court, reads as under:

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“...The learned counsel for the petitioners contends that so far the present petitioners are concerned, no injury whatsoever has been attributed to them. The injury attracting Section 307 IPC has been attributed to Jaskaran Singh Deol.

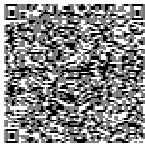
Notice of motion for 02.08.2024.

Ms. Ramta K Chaudhary, DAG, Punjab accepts notice on behalf of the respondent-State and Mr. Lalit Pathak, Advocate accepts notice on behalf of the complainant and has filed his Vakalatnama. The same is taken on record.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required; ii) that the petitioners 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/her from disclosing such facts to the Court or to any police officer; iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender his/her/their passport, if any. Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioners along with the details of pending FIRs, if any, on or before the next date of hearing.”

4. Learned State counsel, assisted by learned counsel for respondent No. 2, on instructions from the Investigating Officer, has submitted that the

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petitioners have joined investigation on 27.05.2024 and they are not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances and also in view of the fact that as per opinion of the doctor, the injuries were not dangerous to life, the present petition is allowed and the order dated 24.05.2024, granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

02.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No