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CRM-M-27720-2024
Date of decision: 09.07.2024

....Petitioner

Versus

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jagat Vir Singh, Advocate for
Mr. Siddharth Sihag, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Status report dated 09.07.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner..

2. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case DDR No.27 dated 13.05.2024 (Annexure P-1) under Sections 323, 325, 452, 148 and 149 IPC registered at Police Station Kabirpur (Ahlikalan) District Kapurthala arising out of FIR No.21 dated 12.05.2024 under Sections 323, 324, 326 & 34 IPC registered at Police Station Kabirpur (Ahlikalan) District Kapurthala (Annexure P-2) as under: -

DDR No.	Dated	Sections	Police Station
27	13.05.2024	323, 325, 452, 148 and 149 IPC	P.S. Kabirpur (Ahlikalan) District Kapurthala



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3. Learned counsel for the petitioner submits that in compliance to the order dated 29.05.2024, the petitioner has joined the investigation.

4. During the course of hearing on 29.05.2024, following order had been passed: -

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case DDR No. 27 dated 13.05.2024 (Annexure P-1), under Sections 323, 325, 452, 148 and 149 of Indian Penal Code, registered at Police Station Kabirpur (Ahlikalan) District Kapurthala in FIR No. 21 dated 12.05.2024 under Section 323, 324, 326 and 34 IPC, registered at Police Station Kabirpur (Ahlikalan) District Kapurthala (Annexure P-2).

Learned counsel for the petitioner submits that the present DDR is a counter blast to the FIR lodged by the wife of the petitioner who suffered grievous injuries from the other side and it is a case of version and cross version. He further submits that the other co-accused have been granted the concession of anticipatory bail and the only reason for denial of the concession to the petitioner was that he has been charged with Section 325 IPC and the said allegation itself is absolutely false and fabricated.

Notice of motion.

Mr. Siddharth Attri, AAG, Punjab accepts notice on behalf of respondent-State and prays for time to file status report.

*Adjourned to **09.07.2024**.*

*In the meanwhile, the petitioner is directed to join investigation on **06.06.2024** at **10:00 A.M.** before the*

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Investigating Officer and cooperate with the Investigating Agency, even thereafter.

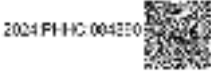
In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

However, it is made clear that this order shall not be construed as parity qua any other co-accused.”

5. Learned State counsel on instructions from ASI Satwinder Singh informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

6. Mr. A.S. Khinda, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record. He has opposed the bail.

7. 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 29.05.2024 passed by this Court, interim bail granted vide order dated 29.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. 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



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influence the witnesses and will not leave the country without prior permission of the Court.

- 8. The petition stands allowed.
- 9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.07.2024
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(SANJIV BERRY)
JUDGE

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