

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30560 of 2023

Date of decision: 12th February, 2024

Yogesh Kumar @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Garg, Senior Advocate with
Ms. Neha Matharoo, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. S.S. Hira, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No. 115 dated 26.04.2023 registered under Sections 307 read with Section 34 of the Indian Penal Code, 1860 at Police Station, Model Town, Hoshiarpur.

2. On 15.06.2023, while noticing the following submissions made by learned senior counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned Senior counsel appearing on behalf of the petitioner inter alia contends that the FIR in question had been registered at the instance of the complainant who

had not named the petitioner in the initial version or in the subsequent statement got recorded by him. He further contends that the name of the petitioner was added subsequently by concealing the fact that the petitioner had already got an FIR registered against the complainant himself. He contends that the injury attracting Section 307 of the IPC is not attributed to the petitioner and he has no criminal antecedents.”

3. Learned senior counsel for the petitioner submits that in compliance of the order dated 15.06.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel has filed additional status report by way of affidavit of Amar Nath PPS, DSP, Sub Division City Hoshiarpur today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite. While drawing the attention of this Court to paragraph No.3 of the aforementioned affidavit, learned State counsel, on instructions from ASI Sukhdev Singh, submits that during investigation, the petitioner along with co-accused Vishal had been found innocent by the police. Learned State counsel, on further instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 15.06.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 12, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No