

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-31389-2023

Date of Decision: 20.02.2024

Kaku @ Nitisa @ Nitish

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vishal Sharma (Vasudeva) Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Status report dated 20.02.2024, filed by way of short affidavit of Sh. Satish Kumar, Deputy Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur, is taken on record.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0184 dated 06.11.2021 registered under Sections 354, 324, 323, 342, 379, 427, 148 and 149 IPC at Police Station Mahilpur, District Hoshiarpur, Punjab.

On 03.07.2023, when this case was listed for hearing, following order was passed by this Court:-

“The petitioner seeks grant of anticipatory bail in case bearing FIR No.0184 dated 06.11.2021, under Sections 354, 324, 323, 342, 379, 427, 148 and 149 IPC, registered at Police Station Mahilpur, District Hoshiarpur, Punjab.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. He further submits that the challan has been presented on

11.3.2022 against co-accused, namely, Arjan Singh only, who has already been arrested and granted regular bail. The the first anticipatory bail application moved by the petitioner before the learned Additional Sessions Judge, Hoshiarpur has already been dismissed vide order dated 15.12.2021 (Annexure P-2). He further submits that co-accused, namely, Sudha Rani, Rajni, Babita and Pushkaran Singh @ Peetu have already been granted anticipatory bail vide orders dated 25.1.2023, 06.2.2023 and 23.2.2023 respectively. Learned counsel for the petitioner submits that there is delay of three days in lodging the FIR and as per the FIR, the only injury attributed to the petitioner is by reverse side of datar on the knee of left leg of the complainant, which is on non-vital part.

Notice of motion for 14.8.2023.

Mr. Pankaj Khullar, AAG, Punjab accepts notice on behalf of respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his 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 petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner 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 petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing."

Learned counsel for the petitioner submits that in compliance of the order dated 03.07.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jasbir Singh, states that in terms of the order passed by this Court, reproduced

above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 03.07.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

20.02.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No