



201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30701-2024

Date of decision: 03.09.2024

Lakhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Sumanpreet Aulakh, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.36 dated 11.04.2024 (Annexure P-1) under Sections 406/498-A/354/323 of IPC registered at Police Station Shambhu District Patiala, Punjab.

On 02.08.2024, the following order was passed:-

*'...In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427, Satender Kumar Antil v. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the



CRM-M-30701-2024

-2-

Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 03.09.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

In view of the ratio of law laid down in the judgment passed by the Hon'ble Supreme Court in 'Md. Asfak Alam v. State of Jharkhand and another' 2023 (3) R.C.R(Criminal) 754 and 'Satender Kumar Antil v. CBI' (2022)10 SCC 51, the maximum sentence under which the FIR was lodged is punishable upto 05 years.

Learned State counsel on instructions from ASI Bhan Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 02.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.09.2024

Neha

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