

[216] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33608-2023
Date of Decision : 11.01.2024

Krishan Kumar @ Vicky Kumar and another ...Petitioners
versus

State of PunjabRespondent

Coram : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Arun Kumar, Advocate for
Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] On 17.07.2023, the following order was passed by this Court:-

“Present: Mr. Suvir Sidhu, Advocate, for the petitioners.
Mr. Sanish Girdhar, AAG, Punjab.

This is a petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0005 dated 29.03.2023 under Sections 379B, 511, 323, 506, 148, 149 and 120B IPC, registered at Police Station GRP Abohar, District Shri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated. It is submitted that the alleged incident is of 20.03.2023, whereas the FIR has been registered after delay of 9 days and no plausible explanation is forthcoming for the delay. It is further submitted that it has been categorically alleged that one of the assailants had given a blow with iron rod, which struck the complainant on his elbow but there is no MLR to even prima facie establish inflicting of any injury. It is highly improbable that the incident of such magnitude would not be reported for a period of nine days.

Notice of motion.

On advance notice, Mr. Sanish Girdhar, AAG, Punjab, puts in appearance on behalf of the respondent-State and waives service.

Learned State counsel on instructions from ASI Surinder Singh submits that the petitioner is seen in CCTV footage and on account of the same, custodial interrogation would be required.

Learned counsel for the petitioner refutes the aforesaid and submits that CCTV footage is not of the occurrence.

Learned State counsel is not in a position to dispute the same.

Moreover, in normal circumstances it would not take nine days to view the CCTV footage to identify the accused.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to ad interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.

*Status report be filed on or before the next date.
Adjourned to 18.09.2023.”*

[2] Today, learned State counsel has informed this Court that the petitioners have joined the investigation, in compliance of the order dated 17.07.2023 and is no longer required for further investigation.

[3] In view of the aforesaid, the order dated 17.07.2023, whereby the petitioners were granted interim anticipatory bail, is hereby made absolute. However, they shall continue to join investigation, if and so required by the Investigating Officer.

[4] Disposed of.

(DEEPAK GUPTA)
JUDGE

11.01.2024
'Rajneesh'

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