

S. No.217

2024:PHHC:001711

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34309 of 2023 (O&M)

Date of Decision:09.01.2024

Gaurav and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Bhargava, Advocate and Mr. Prikshit Thakur,
Advocate for the petitioners.
Ms. Kanica Sachdeva, AAG, Punjab.
Mr. S.S. Rangi, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C, petitioners pray for grant of anticipatory bail in case FIR No.122 dated 03.11.2022 registered under Sections 323, 506, 148, 149 IPC, 1860 (offence under Sections 452 and 201 IPC added later on) at Police Station Phase 11, District SAS Nagar, Punjab.

Status report by way of an affidavit of Shri Harsimran Singh Bal, PPS, Deputy Superintendent of Police (City-II), District SAS Nagar, has been filed on behalf of the respondent- State.

On 19.07.2023, following order was passed by this Court:-

“Learned counsel contends that initially the FIR was registered for the offences punishable under Sections 323, 506, 148 and 149 IPC, 1860 and subsequently, the offences punishable under Sections 201 and 452 IPC were added. According to him, pursuant to the interim order passed by the Court of Sessions, the petitioners visited the Investigating Officer for joining the investigation, but they were not allowed to join and their application for pre arrest bail was dismissed.

Notice of motion for 24.08.2023.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

It was contended by learned counsel for the complainant on 24.08.2023 that fracture on the left nasal bone was caused which attracted Section 307 IPC but Police had made it a simple case under Section 323 IPC. Status report was called.

Today, as per the status report filed by the respondent- State, no injury was found to be present on the nasal bone of the complainant in the MLR nor any such injury was alleged before the Medical Officer who had conducted the MLR. However, such an injury was reflected in the CT scan and thus, the same appears to be self-inflicted at a later stage by the complainant. Status report further revealed that no offence under Section 307 IPC is found to have been made out in the present case.

Learned State Counsel, on instructions from ASI Surinder Singh, also informs this Court that the petitioners have joined the investigation.

Having regard to the afore-said facts and circumstances and the fact that petitioners have already joined the investigation, the order dated 19.07.2023 whereby interim anticipatory bail was granted to the petitioners in the FIR in question, is hereby made absolute. However, the petitioners shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

January 09, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No