



CRM-M No. 33928-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M No. 33928-2024
Date of Decision: 02.09.2024

Satnam @ HappyPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Shreya Rana , Advocate for the petitioner.
Ms. Ruchika Sabharwal, Sr. DAG, Punjab.

MANISHA BATRA, J.(ORAL)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
43	02.05.2024	Bhogpur, District Jalandhar Rural	341, 323, 379, 427, 355 and 34 IPC (Subsequently the offences under Sections 365, 148 and 149 IPC have been deleted and offences under Sections 379, 427, 411, 355 and 34 IPC have been added)

2. In order dated 18.07.2024, at the first page, the name of the
petitioner inadvertently mentioned as Salman @ Happy instead of Satnam @
Happy due to typographical mistake.

The same be read as Satnam @ Happy instead of Salman @
Happy.

Registry is directed to carry out the necessary correction.



3. Vide order dated 18.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.07.2024 is reproduced as under:-

“The instant petition under Section 438 Cr.P.C. has been filed by the petitioner seeking benefit of pre-arrest bail in case arisen out of FIR No. 43 dated 02.05.2024 initially registered under Sections 341, 323, 379, 427, 355 and 34 of IPC at Police Station Bhogpur, District Jalandhar Rural (offences under Sections 365, 148 & 149 of the IPC have been deleted subsequently and offences under Sections 379, 411, 355, 426 read with Section 34 of IPC have been added thereon) on the basis of complaint lodged by the complainant Paramjit Singh alleging therein that on 01.05.2024, he was going to his workplace on his motorcycle bearing registration No.PB-08-AP-8053 when the accused Parminder Singh @ Bugga tried to intercept him. The complainant, however, managed to leave that place and when he reached near marriage palace of Village Sudana, the accused Baljeet Singh tried to strike a blow with spade upon him, but his efforts turned hostile. The complainant then reached at his workplace at Village Garhi Baksha, wherein the present petitioner along with co-accused Baljeet Singh and Parminder Singh @ Bugga reached and after hurling abuses, took away his motorcycle while he was working on the upper floor of the premises. Thereafter, co-accused Love and Deepa reached there and on the pretext of getting some compromise effected, took him along with them. He was taken to the house of co-accused Pritam Singh wherein the petitioner and co-accused opened an assault upon him and caused injuries. He somehow escaped from there and was taken to hospital for treatment by his family members. After registration of case, the investigation proceedings have been initiated. The petitioner had moved an application for grant of pre-arrest bail and vide order dated 07.06.2024 passed by the Court of learned Additional Sessions Judge, Jalandhar, he was directed to join the investigation. However, he failed to join the same in compliance of the said order and therefore, his bail was cancelled vide order dated 02.07.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. His custodial interrogation is not required. The recovery of the motorcycle belonging to the complainant, which had been allegedly stolen, has been effected from the co-accused Baljeet Singh. The offences alleged against him are triable by the Magistrate and except the offences under Sections 379 & 411 of the IPC the remaining offences are bailable in nature. He could not join the investigation as he remained under the bona fide impression that he was required to join the investigating by appearing before the Court after re-opening of the same after summer



vacations. Therefore, it is argued that the petition deserves to be allowed.

Notice of motion.

Per contra, learned State counsel, who has advance notice of the petition, submits that the petitioner failed to abide by the order passed by the Court of learned Additional Sessions Judge on 02.06.2024 and therefore, his pre-arrest bail had been rightly dismissed by the said Court. It is argued that due to same reason that he violated the terms of interim bail previously granted to him, he does not deserve to be extended benefit of pre-arrest bail, at this stage.

Adjourned to 02.09.2024.

In the meantime, petitioner is directed to join the investigation by appearing before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. However, it is made clear that if he fails to join the investigation within the stipulated time, then this petition shall be deemed to be dismissed.”

4. Learned State counsel, on instructions states that the petitioner has joined the investigation on 25.07.2024 and his custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 18.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

02.09.2024

Rajeev (rvs)

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No