

2024:PHHC:115002



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34145-2024

Date of Decision : 03.09.2024

AVKAR SINGH ALIAS KARI AND OTHERS

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ritesh Kumar, Advocate for
Mr. Manoj K. Sharma, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 29.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners have sought the concession of anticipatory bail, in case FIR No.51 dated 13.05.2024, under Sections 323, 452, 427, 506, 148, 149 of the IPC, registered at P.S. Mehtiana, District Hoshiarpur.
2. The learned counsel for the petitioners has submitted that, although the petitioners have been alleged to be members of the unlawful assembly, however, no specific role has been attributed to them. Moreover, the injury(ies) suffered by the complainant have been declared “simple in nature”. He has further submitted that except Section 452 of the IPC, all other offences embodied in the present FIR are bailable offences.
3. Lastly, the learned counsel for the petitioner has submitted that, since petitioners’ co-accused Rahul, who is on a co-equal pedestal as the petitioners, has already been granted the relief of interim bail by this Court, as is evident from the order dated 03.07.2024 (Annexure P-2), therefore, the petitioners also deserve an alike relief.
4. Notice of motion for 03.09.2024.
5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
6. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim

bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

7. To be heard with CRM-M-29897-2024.”

2. Today, the learned State counsel has, filed a short reply by way of an affidavit of Shivdarshan Singh, DSP, Sub-Division Chabbewal, District Hoshiarpur, which is taken on record.

3. He submits, on instructions imparted to him by ASI Onkar Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 29.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 03, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No