

202-2

2024:PHHC:036564

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

CRM-M-38800-2022

Date of decision : 14.03.2024

SANDEEP KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Gaganbir Kaur, Advocate for
Mr. Amit Gupta, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sandeep Godara, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 30.08.2022, the following order was passed :-

“Apprehending his arrest in FIR No.112 dated 26.06.2022 for the offences punishable under Sections 324, 323, 341, 148, 149, 506 and 120-B IPC, 1860 (Sections 326 and 307 IPC were added later on) registered at Police Station Dinanagar, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia relies upon the order passed by this Court in CRM-M-37490-2022 Karan Kumar Vs. State of Punjab whereby the co-accused namely Karan Kumar has been granted the concession of interim bail.

Mr. Ajay Pal Singh Rehan, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama. The same is taken on record. He submits that now the injured witness has suffered a statement before the Investigating authority in which he has specifically named the petitioner. He relies upon the MLR port of the injured witness to submit that all the injuries suffered by the injured are on head and thus, the petitioner having been attributed a specific role i.e. assaulting the injured with a spade handle does not deserve the concession of interim bail.

I have heard learned counsel for the parties and have gone through the grounds of the petition.

The fact remains that as per the FIR it was only Jatin who is said to have assaulted the injured with datar. Injuries No.1 and 3 have been caused with a sharp edged weapon. Thus, both the injuries, if at all are attributable will be only to Jatin.

Keeping in view the fact that the co-accused of the petitioner has already been granted the concession of interim bail, the petitioner is also found to be at parity in view of the supplementary statement suffered by the complainant (Annexure P-2).

Notice of motion.

On the asking of the Court Mr. Gurdarshan Singh Sidhu,
Asstt. A.G., Punjab.who is present in Court accepts notice and
seeks time to file reply.
Allowed to do so.
To come up on 7.12.2022.”

- 2. Today, Ld. State Counsel on instructions from ASI Naresh Kumar submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
- 3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 30.08.2022 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
- 4. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.
- 5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
- 6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
- 7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
- 8. Petition stands disposed off accordingly.

March 14, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No