

S. No.217

2024:PHHC:001753

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37138 of 2023

Date of Decision:09.01.2024

Neeraj Pal and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suresh Kumar, Advocate for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. S.S. Rang, 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 01.08.2023, following order was passed by this Court:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.122, dated 03.11.2022, registered at Police Station Phase-11, District SAS Nagar, Punjab, under Sections 323, 506, 148, 149 of IPC (Sections 452 and 201 IPC added later on).

It is contended by learned counsel for the petitioners that petitioners were earlier allowed interim anticipatory bail by the Court of learned Addl. Sessions Judge, SAS Nagar, Punjab, vide order dated 16.06.2023 (Annexure P-2) and they had joined the investigation, but later on they were again asked to join the investigation, as per order dated 05.07.2023 (Annexure P-3) on account of addition of Sections 201 and 452 of IPC.

Learned counsel for the petitioners submits that petitioners are still ready to join investigation.

Notice of motion.

Mr. Parneet Singh Pandher, AAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 24.08.2023 for filing status report.

To be heard alongwith CRM-M-34309-2023.

In the meantime, petitioners are directed to join investigation and co-operate in the same. They will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

It was contended by learned counsel for the complainant on 24.08.2023 in the connected case, i.e. CRM-M-34309 of 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 01.08.2023 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