

CRM-M-45929-2023

208(3) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-45929-2023 (O&M)
Date of Decision: 04.03.2024

KAMAL RAJ

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitish Sharma, Advocate for
Mr. Deepinder Singh Billing, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Navkiran Bajwa, Advocate for
Mr. A.P.S. Shergill, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 47 dated 16.06.2023 registered under Sections 323, 324, 341, 427, 506, 148 and 149 of Indian Penal Code (Section 302 of IPC added later on) at Police Station Naya Gaon, District S.A.S. Nagar.

2. On 14.12.2023, following order was passed:

“By making a reference to the status reports filed on behalf of respondent-State, counsel for the petitioner(s) submits that although the complainant have received five injuries and her mother-Babita has received one injury but all the injuries, except one, have been declared to be simple. He submits that insofar as injury inflicted on the complainant with sharp-edged weapon is concerned, the allegation is against Mahadev, who has been apprehended. He further submits that there is no allegation against the petitioner(s) qua restraining or inflicting any injury on Amit, who has unfortunately expired and his cause of death has been opined to be "Assault Blunt Trauma Abdomen (ILEAL

PERFORATION, PERITONITS REFRACTORY SEPTIC SHOCK)". Counsel submits that the petitioner(s) are prepared to join and co-operate with the investigation.

List on 04.03.2024.

Petitioner(s) are directed to join the investigation on 28.12.2023 at 10.00 A.M., Police Station, Naya Gaon, District SAS Nagar and co-operate with the Investigating Agency. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the files of connected cases."

3. Learned State counsel on instructions from ASI Rajender Singh, submits that in compliance of order dated 14.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 14.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

04.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No