

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-45741 of 2023
Date of Decision: January 31, 2024

Ravi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. L.M. Gulati, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 0062 dated 26.07.2023 registered under Sections 323, 341, 506, 148 and 149 IPC (Section 307 IPC added later on) at Police Station Dhakoli, District SAS Nagar.
2. On 03.11.2023, the following order was passed :-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
<i>0062</i>	<i>26.07.2023</i>	<i>Dhakoli, District SAS Nagar</i>	<i>323, 341, 506, 148 and 149 IPC (Section 307 IPC added later on)</i>

By making a reference to the allegations levelled in the FIR, counsel for the petitioner asserts that there is no allegation against the petitioner of inflicting any injury on Raju, complainant’s father. Counsel submits that the allegation against the petitioner is that he

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assaulted the complainant on his shoulder with an iron pipe, which has attracted offence under Section 323, IPC. He submits that offence under Section 307, IPC is not attributed to the petitioner, four co-accused have been arrested and recoveries have been effected from them. Counsel for the petitioner submits that petitioner, who has clean antecedents, is prepared to join the investigation.

List on 31.01.2024.

Petitioner is directed to join the investigation on 22.11.2023 at 10:00 A.M. at Police Station Dhakoli, District SAS Nagar and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

3. Learned State counsel, on instructions from ASI Labh Singh, states that pursuant to order dated 03.11.2023, the petitioner has joined the investigation and is no more required for custodial interrogation.
4. In view of the statement of learned State counsel, order dated 03.11.2023 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
5. Petition stands disposed of.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

January 31, 2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No