

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

(213)

**2024:PHHC: 005421
CRM-M-49727-2023
Date of Decision: 16.01.2024**

Gobind

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. R.K. Bajaj, Advocate for petitioner.

Mr. Arun Luthra, DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.254 dated 29.08.2023 under Sections 323/324/341/326/148/149 IPC registered at Police Station Rama Mandi, Jalandhar.

2. On the last date of hearings, i.e. 03.10.2023 and 17.10.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioners inter alia contends that the delay in the lodging of the FIR clearly points to a false and fabricated version having been brought forth by the complainant in the FIR in question. Learned counsel further submits that the petitioners though named in the FIR had no motive to commit the crime in question and still further there were no material to show that they were present along with the co-accused when the complainant was attacked and inflicted injuries with datars and kirpans.”

“Learned State counsel, on instructions, has submitted that though the petitioner was part of the unlawful assembly, however, he was neither carrying any weapon with

him nor any injury had been attributed to him.

Adjourned to 16.01.2024.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 17.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Satnam Singh does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 17.10.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2024

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