

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58753-2023 (O&M)
Date of Decision: 20.02.2024

RAHUL KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Abhishek Thakur, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

...
SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0067 dated 02.11.2023 under Sections 498-A and 323 of the Indian Penal Code, 1860 registered at Police Station Taragarh, District Pathankot, Punjab.
2. On 22.11.2023 , the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0067 dated 02.11.2023 under Sections 498-A, 323 of the Indian Penal Code, 1860 registered at Police Station Taragarh, District Pathankot, Punjab.

Learned counsel for the petitioner, at the outset, states that the petitioner is willing to return all the Istridhan articles as also to settle the matter. The learned counsel would further contend that the petitioner is willing to join investigation.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State of Punjab.

Let notice be issued to respondent No.2 returnable 20.02.2024.

On the next date of hearing the petitioner shall bring a bank draft for Rs.30,000/- in the name of respondent No.2 towards litigation expenses.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to

thesatisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Office note indicates that respondent No.2 has received the notice but has refused to append her signatures thereto.
4. Learned State counsel, on instructions from ASI Naresh Kumar, has stated that pursuant to the order dated 22.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. In view of above, the petition is allowed and interim order dated 22.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
6. This order should not be treated as “blanket” order. It will not be interpreted as granting 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.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

20.02.2024

(SUMEET GOEL)

JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No