



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

**CRA-S-3586-2023 (O&M)
Date of decision : 24.05.2024**

Uday Sharma

...Appellant

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Singh Deol, Advocate for the appellant.

Ms. Avneet, AAG, Punjab for respondent No.1.

None for respondent No.2 despite service.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed against the impugned order dated 22.11.2023, passed by learned Additional Sessions Judge, Jalandhar, dismissing pre-arrest bail of the appellant in FIR No.140 dated 01.11.2023, under Sections 323, 324, 341, 148 read with Section 149 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959 and Sections 3 & 4 of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kartarpur, District Jalandhar Rural.

(2) It transpires that above FIR was registered on the basis of statement made by respondent No.2/complainant-Ansh Sodhi to the effect that appellant along with other co-accused assaulted him with baseball bat, *khanda & Toka*, thereby caused multiple injuries. Co-accused Mohit Shama also hurled caste related abuses.

(3) The Coordinate Bench, on 12.12.2023, granted interim bail to appellant and the order in the main petition reads as under:-

“Learned counsel for the appellant inter alia submits that even if the allegations in the FIR are taken to be on its face value, there is nothing such about appellant having remarked regarding the caste of the complainant and at best, the injury attributed to him is a baseball hit below the left bicep of the complainant-injured.

Notice of motion for 22.02.2024.

In the meanwhile, appellant will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The appellant is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, appellant has already joined the investigation and his custodial interrogation is not required.

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- (5) The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the appellant is not required at this stage.
- (6) In view of above, the appeal is allowed; impugned order dated 22.11.2023 passed by learned Additional Sessions Judge, Jalandhar, is set aside and interim order dated 12.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present matter.
- (9) Disposed off accordingly.

24th May, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

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