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

CRM-M-61249-2023

Date of decision: 14.03.2024

Rishab Nischal

....Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. T.P.S. Bhatti, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0114 dated 07.07.2023 (Annexure P-1) under Sections 452/380/341/34 of IPC registered at Police Station Central Sector 17, District Chandigarh.

On 16.12.2023, the following order was passed:-

‘This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0114 dated 07.07.2023 under Sections 452, 380, 341, 34 of IPC, registered at Police Station Central Sector 17, District Chandigarh.

Learned counsel for the petitioner, inter alia, submits that the petitioner is innocent and has been falsely implicated in the present case. The complainant is a purchaser of 50% share in the house in question from the grandmother of the petitioner and on account of a dispute having arisen, the entire family of the petitioner has been implicated in this case. Co-accused Kulwant Rani and Arti Nischal have already been granted the concession of interim anticipatory bail by learned Additional Sessions Judge, Chandigarh, whereas the main accused Desraj has also been enlarged on regular bail. There is a civil

dispute between the complainant and the family of the petitioner which is now pending adjudication before the Civil Court. The petitioner is student, aged 25 years. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

On advance notice, Mr. Manish Bansal, P.P, U.T., Chandigarh, had appeared on behalf of respondent-State.

Reply by way of an affidavit dated 15.12.2023 has been filed by learned State counsel today in the Court, which is taken on record.

On the said basis, the present petition has been opposed, however, it is not disputed that the petitioner is not involved in any other criminal case. It is submitted that there are three cases registered against the father of the petitioner.

List on 14.03.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C. '

Learned State counsel on instructions from ASI Ram Lubaya, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 16.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.03.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/