

214/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 05.02.2024

...Petitioner

Versus

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.194 dated 24.09.2023, registered for the offences punishable under Sections 304-B IPC (lateron added offence under Sections 498-A, 406, 120-B IPC), 1860, at Police Station, Chheharta, District Police Commissionerate Amritsar.

On 10.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 194 dated 24.09.2023 registered for offence punishable under Section 304-B IPC (Sections 498-A 406 and 120-B IPC added later on) at Police Station Chheharta, District Police Commissionerate Amritsar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

In terms of order dated 18.12.2023, learned State counsel has submitted a status report by way of affidavit of Kamaljit Singh, PPS, Assistant Commissioner of Police, West, Amritsar. The same is taken on record.

Learned counsel for the petitioner inter alia relies upon the order dated 02.11.2023 passed in CRM-M-52387-2023 (copy whereof has been appended as Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 22.01.2024.

The petitioner is directed to appear before the Investigating Officer on 15.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.

To be heard along with CRM-M-52387-2023.”

2. Learned State counsel on instructions from ASI Sarwan Singh has stated that pursuant to the order dated 10.01.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 10.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read 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.

5. 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.

6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

February 05, 2024
ps

(SUMEET GOEL)
JUDGE

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