



CRA-S-3862-2023

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240/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-3862-2023
Decided on : 02.08.2024

Money & another Appellants

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the appellants.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J.

The appellants are impugning the order dated 14.12.2023 passed by learned Additional Sessions Judge, Hoshiarpur, whereby their application under Section 438 Cr.P.C. for grant of anticipatory bail in DDR No.40 dated 15.05.2023, under Sections 307, 324, 323, 148, 149 IPC, Sections 25 & 27 of Arms Act in case FIR No.133 dated 12.05.2023, under Sections 302, 120-B IPC, 25 and 27 of Arms Act and Sections 3 and 4 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act"), registered at Police Station Model Town, Hoshiarpur, was dismissed.

2. On 02.05.2024, while noticing the following submissions made by the learned counsel for the appellants, this Court had granted the concession of interim bail to the appellants and asked him to join investigation:

"Learned State counsel, on instructions from



ASI Ashok Kumar, has not disputed the submissions made by learned senior counsel for the appellant(s) that both the parties had assembled at the place of occurrence for exploring the possibility of some settlement on account of prior dispute between them and it was during the course of the Panchayat, the occurrence in question took place. On further instructions, he has also not disputed that other than the presence of the appellants being shown along with the co-accused on the fateful day at the relevant time, no specific role or injury had been attributed to them.”

3. Learned State counsel, on instructions from ASI Hans Raj, has submitted that in compliance of order dated 02.05.2024, appellant No.1-Money has joined the investigation and cooperated with the investigating agency. He on further instructions submits that the appellant is not required for custodial interrogation. Learned State counsel has further submitted that as far as appellant No.2-Atul is concerned, he has not joined the investigation.

4. In view of the above, present appeal qua appellant Money is allowed and interim order dated 02.05.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC. However, the present appeal qua appellant No.2 Atul stands dismissed.

5. The appeal stands disposed of accordingly.

02.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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