

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-65140-2023

Date of Decision: 12.03.2024

Sonu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nitin Rampal, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 183 dated 20.10.2023 registered under Sections 323, 341, 354, 427 read with Section 34 IPC at Police Station Balongi, District SAS Nagar (Mohali).

On 22.12.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No. 183 dated 20.10.2023 under Sections 323, 341, 354, 427 and 34 of the Indian Penal Code, 1860 registered at Police Station Balongi, District SAS Nagar (Mohali).

Learned counsel for the petitioner would contend that the present FIR is the result of a scuffle which took place with the neighbourer over the adjoining wall. It is further the contention that totally false allegations have been made in

the FIR qua the petitioner. Learned counsel for the petitioner would further contend that the injuries attributed to the petitioner in the FIR do not co-relate with the MLR of the complainant inasmuch as it has been alleged in the FIR that the petitioner gave a fist blow on the nose of the complainant. However, in the MLR it has been noticed that the complainant has stated that her head was forcibly hit by the door due to which her nose got injured.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the respondent-State.

List on 12.03.2024.

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 adequate surety and personal bonds to the satisfaction 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.”

Learned counsel for the petitioner submits that in compliance of the order dated 22.12.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

On instructions from ASI Balwinder Kumar, learned State counsel submits that in terms of the order passed by a co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 22.12.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions

stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

12.03.2024
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(NIDHI GUPTA)
JUDGE

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