



206

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

**CRM-M-54532-2024
Date of Decision: 19.02.2025**

NATHU ALIAS KAKKU**....Petitioner(s)****VERSUS****STATE OF PUNJAB AND ANOTHER****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Rahul Dahiya, Advocate for
Mr. Ranjeet Singh, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in the present petition under Section 482 BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 04.03.2020 under Sections 307, 323, 148, 149 IPC and 25 of Arms Act, 1959, registered at Police Sation Cantt Ferozepur, District Ferozepur.
2. In the present anticipatory bail on 31.10.2024, following order was passed:-

“Present petition has been filed seeking anticipatory bail under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in case FIR No. 23 dated 04.03.2020, registered under Sections 307, 323, 148, 149 IPC and Section 25 of Arms Act, 1959 at police Station Cantt Ferozepur.

In the present case, there is only one victim, who has lodged the alleged FIR.

Learned counsel for the petitioner inter alia submits that after registration of the present case, dispute has been resolved between the sole victim and all the six accused and



therefore, there would not be any objection to the complainant/victim in the eventuality of granting of anticipatory bail in the present case.

Learned counsel for the petitioner also submits that coaccused, namely, Bharat Bhushan, who is similarly situated has already been granted the concession of interim anticipatory bail by this Court vide order dated 03.09.2024 (Annexure P-3), in CRM-M-37289-2024.

Learned counsel for the petitioner further submits that the accused are also in process of filing of petition seeking quashing of the aforesaid FIR on the basis of compromise. Notice of motion.

Dr. Dharminder Singh Lamba, DAG, Punjab and Mr. Varshit Garg, Advocate (through video conferencing), accept notice on behalf of respondents No.1 and 2 respectively.

Mr. Varshit Garg, Advocate appearing through video conferencing, confirms the statement made by the counsel for the petitioner before this Court.

List on 14.01.2025.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency.

In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC. ”

On 14.01.2025, hearing of the petition was adjourned to 17.01.2025.

On 17.01.2025, following order was passed:-

“Learned counsel for the petitioner informs that after dismissal of the anticipatory bail by the Court of sessions on 05.10.2024, said order was assailed before this Court. This Court entertained the interim anticipatory bail application of the petitioner and vide order dated 31.10.2024, ad-interim bail was granted to the petitioner.

However, after about six day i.e. on 06.11.2024, the petitioner was declared proclaimed offender by the concerned Court and due to the said reason, he was unable to appear before the Investigating Officer and co-operate in the proceedings. Probably, it appears that the order of interim bail was never conveyed to the concerned Court.

Considering the submissions addressed and petitioners inclination to surrender to the process of law, this Court



deems it appropriate to grant one opportunity to the petitioner to appear before the Court concerned.

Therefore, petitioner is directed to appear before the trial Court on or before 10.02.2025 and on his appearance he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

In such eventuality, order dated 06.11.2024 would become inoperative qua petitioner for all intents and purposes until the order of bail is violated by the petitioner.

This direction is passed without there being any specific prayer in the present petition so that the petitioner may join investigation in pursuance to the direction passed by this Court on 31.10.2024.

List on 19.02.2025.

In the meantime, interim order dated 31.10.2024 shall continue.”

4. Today again, learned DAG Haryana, submits that petitioner has not joined the investigation despite there being an order of this Court since October, 2024.

5. On the other hand, counsel for the petitioner again prays for grant of an adjournment.

6. Since, despite availing adequate opportunities to join the investigation, petitioner has failed to comply with the directions, finding no substance in the excuse taken, petition is hereby **dismissed**.

February 19, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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