

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

**CRM-M-38479-2023
DECIDED ON: 03.11.2023**

RICKY THAKUR ALIAS MANJIT PATHANIA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Chanakya Batta, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Sandeep Godara, Advocate for
Mr. APS Rehan, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
115	16.06.2023	323, 324, 326, 307, 506, 148, 149 of IPC	P.S.Mukerian, District Hoshiarpur

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 12.10.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Ramesh Kumar, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 12.10.2023, this Court has passed the following order:-

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
<i>115</i>	<i>16.06.2023</i>	<i>323,324,326,307,506, 148 and 149 IPC</i>	<i>Mukerian, District Hoshiarpur</i>

2. *Learned counsel for the petitioner, inter alia contends that the petitioner has been falsely implicated in this case. He submits that even as per the allegations levelled by the prosecution, simple injury on the back of the complainant has been attributed to the petitioner. He further submits that none of the injuries sustained by the complainant has been declared to be dangerous to life and the petitioner is ready to join the investigation.*

3. *Learned State counsel on instructions from ASI Ramesh Kumar intimates that in the present case accused, namely, Atul Sharma and Gurwinder Singh @ Dhanna have already been arrested. He submits that injury attributed to the petitioner is with the help of danda on the back of the complainant and the same has been declared simple in nature and none of the injuries sustained by the complainant has been declared to be dangerous to life.*

4. *Learned counsel appearing on behalf of the complainant and learned State counsel submitted that the complainant, who is senior citizen, just stopped the assailants from abusing in the public due to which he was attacked and injuries inflicted on his person.*

5. *Keeping in view the facts and circumstances of the case and without commenting on merits, the petitioner is directed to join the investigation within seven days and co-operate in the same. In the event of the arrest of the*

petitioner, he shall be released on interim bail on his furnishing personal/Surety Bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. *Adjourned to 03.11.2023.”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 12.10.2023 passed by this Court, interim bail granted vide order dated 12.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

03.11.2023

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(SANJIV BERRY)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*