

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.757 OF 2020  
(Arising out of SLP (Criminal) No.4035 of 2020)

KULDEEP KUMAR

Appellant

VERSUS

STATE OF PUNJAB & ANR.

Respondents

ORDER

Leave granted.

This appeal challenges the judgment and order dated 17.08.2020 passed by the High Court of Punjab & Haryana at Chandigarh in CRM-M No.22955 of 2020.

Apprehending arrest in connection with FIR No.177 dated 20.07.2020, registered with Police Station Model Town, District Hoisharpur, Punjab, for the offences punishable under Sections 307, 498-A and 506 IPC, an application under Section 438 of the Code of Criminal Procedure, 1973 (“the Code” for short) was preferred by the appellant, the rejection of which has given rise to the present appeal.

While issuing notice on 16.09.2020, the original complainant was also directed to be made party to the instant proceedings. By the same order, interim protection in the nature of stay of arrest in connection with the aforesaid FIR was granted to the appellant.

We have heard Mr. Varinder Kumar Sharma, learned Advocate for the appellant, Ms. Jaspreet Gogia, learned Advocate for the State and Mr. Vipin Gogia, learned Advocate for the original complainant.

With the assistance of the learned counsel for the parties, we have gone through the record and are satisfied that the appellant deserved the protection under Section 438 of the Code.

We, therefore, allow this appeal and direct that in the event of arrest in connection with the aforesaid FIR, the appellant shall be released on bail by the Arresting Officer on furnishing cash security in the sum of Rs.25000/- (Rupees Twenty Five Thousands Only) with two like sureties.

This benefit shall be available to the appellant till filing of the charge-sheet, if any, whereafter the matter shall be considered by the concerned Court.

It is needless to say that the appellant shall extend complete co-operation in the ensuing investigation and any attempt on his part to influence the investigation shall entail cancellation of the relief granted under this order.

The appeal stands allowed in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
NOVEMBER 17, 2020.

