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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11430-2019
Date of decision-01.05.2019

Amit Sharma

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Gursimran Singh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
HC Rashpal Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.390 dated 05.12.2018 under Sections 419, 420, 465, 466, 467, 468, 471, 472, 473, 474 and 120-B of Indian Penal Code at Police Station Civil Lines, Amritsar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.03.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that on the same set of allegations, co-accused of the petitioner, namely, Rajesh Kumar has been released on interim bail by this Court vide order dated 01.01.2019 passed in CRM-M No.64623 of 2018, which has been made absolute. One more

co-accused, namely, Raghbir Singh has been released on regular bail. The petitioner is ready to join investigation and nothing is to be recovered from him.

Notice of motion for 01.05.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall also join investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Rashpal Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Rashpal Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 13.03.2019 is made absolute.
However, it is made clear that this order shall remain operative only till the
filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

01.05.2019
vanita

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