

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

CRM-M-28727-2019 (O&M)

Date of decision : 22.08.2019

Ashok Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Natt, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Vimal Kumar Gupta, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

CRM-24612-2019

Application is allowed. Reply on behalf of the complainant is taken on record.

Main case

Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.131 dated 28.08.2016 registered under Section 420 IPC (Sections 465, 467, 468, 471 IPC added later on 12.04.2019) at Police Station Samana City District Patiala.

On 09.07.2019, following order was passed by this Court:-

“Learned counsel for the petitioner contends that the petitioner was released on bail by the trial Court on

17.01.2018. He submits that now the prosecuting agency is making efforts to arrest the petitioner by adding Sections 465, 467, 468, 471 IPC on 12.04.2019, without seeking permission of the Court.

Notice of motion for 22.08.2019.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the State, on instructions from HC Kashmir Singh, has submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation.

Even otherwise, it is now well settled that once the trial Court releases the accused on bail merely on addition of certain new offence provided in various provisions of law arising from the same incident, the accused cannot be arrested unless the Court which granted bail specifically passes order to that effect.

In view of the above, interim order dated 09.07.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

22.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No