

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

202

**CRM-M-42248-2020(O&M)
Date of Order:27.01.2021**

SHIV KUMAR AND ANOTHER

..Petitioners

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Gagandeep Singh Sirphiki, Advocate
for the first informant.

ANIL KSHETARPAL, J(Oral)

On 16.12.2020, the following order was passed:-

“This is third petition for grant of pre-arrest bail to the petitioners in a criminal case arising from FIR No. 34 dated 04.03.2019, registered under Section 420 & 406 IPC, at Police Station City, Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioners contends that in a detailed inquiry conducted by the Deputy Superintendent of Police (Crime against Women and Children), Batala, the petitioners have been found innocent. He relies upon the report (Annexure P4) in support thereof.

Notice of motion.

On the request of the Court, Ms. Samina Dhir, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent and submits that no doubt, the report as pointed out the by the learned counsel for the petitioner has been submitted, however, it is yet to be approved by the Senior Superintendent of Police.

Be that as it may.

Keeping in view the aforesaid facts, let reply be filed by the respondent-State in response to the petition.

In view of the above, it is considered appropriate that let the petitioners join investigation.

In the event of arrest of the petitioners, they shall

be released on interim pre-arrest bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

List on 27.01.2021.”

Learned State counsel, on instructions from SI Sarwan Singh, has submitted that the petitioner in this case has joined the investigation, cooperated and is not required for further custodial interrogation.

Shri Gagandeep Singh Sirphiki, Advocate, enters appearance for the first informant and submits that the petitioner was never associated with the enquiry.

Be that as it may.

Once the petitioner has already joined the investigation, cooperated and is not required for further custodial interrogation, therefore, the order dated 16.12.2020, is made absolute.

Accordingly, the present petition is allowed.

January 27, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No