

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26309-2022 (O&M)
Date of Decision:- 15.7.2022

Jai Bhagwan

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Sahib Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.44, dated 19.03.2022, under Sections 399 and 402 of IPC, Police Station Moti Nagar, District Police Commissionerate Ludhiana.
2. At the time of issuance of notice of motion the following order was passed on 13.6.2022:

“The petitioner is seeking anticipatory bail in FIR No.44 dt.19.03.2022 under Sections 399 and 402 of IPC, registered at Police Station Moti Nagar, District Police Commissionerate Ludhiana.

The case of the prosecution is that secret information was received that certain persons were intending to commit robbery in a vacant plot in a back side of Dental College,

that one Abhay Mittal was found at the spot while the certain other accused ran away at the time of raid.

Counsel for the petitioner contends that the name mentioned in the FIR is Bhagwan Kumar but the petitioner is Jai Bhagwan, that the father's name of Bhagwan Kumar is not mentioned in the FIR, and the petitioner is being arrested by the police without any material. It is also contended that Abhay Mittal, who was in custody, was granted regular bail by this Court on 02.05.2022 in case bearing No. CRM-M-17364-2022.

Notice of motion for 15.07.2022.

At the asking of the Court, Mr. Karanbir Singh, AAG, Punjab accepts notice on behalf of the respondent/State. Learned State counsel, on instructions from HC Kuldip Singh, does not dispute that there is a discrepancy in the petitioner's name as his father name was not mentioned in the FIR, and that the co-accused i.e. Abhay Mittal was granted regular bail by this Court.

In this view of the matter, the petitioner is directed to appear before the Investigating/arresting Officer to join investigation. In the event of the arrest of the petitioner, the Investigating/arresting officer shall release him on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C."

3. Learned State counsel, upon instructions from ASI Sahib Kumar, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation.
4. Having regard to the aforesaid position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions

issued by this Court vide order dated 13.6.2022 is hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

15.7.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No