

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

Sr. No.202-2

CRM-M-2592-2022

Date of decision: 17.01.2023

Amrik Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. C.S. Rana, Advocate, for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.86 dated 06.07.2021 registered under Sections 323, 324, 326, 427, 148 and 149 IPC at Police Station Sidhwan Bet., District Ludhiana.

On 17.08.2022, this Court had passed the following order:-

“Mr. R.S. Thind, learned DAG, Punjab, on instructions from ASI Sewa Singh has stated that so far as the petition bearing CRM-M-2089- 2022 is concerned, the petitioner-Inderjit Singh has already joined the investigation and is not required for custodial interrogation and so far as the petition bearing CRM-M-2592-2022 is concerned, although there was a stay of arrest but the petitioner-Amrik Singh has not joined investigation. On being asked whether any effort/notice is issued to the petitioner in this regard, he could not answer the same on the basis of record.

In view of the aforesaid position, the petitioner-Amrik Singh is directed to join the investigation and on his doing so, in the event of his arrest in FIR No.86 dated 06.07.2021 registered under Sections 323, 324, 427, 148 and 149 IPC (Section 326 added later on) at Police Station Sidhwan Bet., District Ludhiana, the petitioner-Amrik Singh be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

At this juncture, it will be necessary to note that the issue with regard to practice of non-joining of the investigation of the accused persons despite the orders of stay of arrest was considered by this Court and this Court had taken a serious note of this in CRM-M-19439-2020, in which an affidavit was filed by the Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab, Chandigarh that whenever the arrest of the accused is stayed by the Court then the fact that no direction is issued for joining investigation will not be an embargo to join investigation. Still it appears that the same thing is being repeated continuously and this Court takes cognizance of the same.

In view of the aforesaid position, let an affidavit be filed in this regard by the Director General of Police, Punjab himself as to what efforts are being made to implement the order/affidavit filed in this Court in above stated CRM-M-19439-2020.

Adjourned to 01.11.2022.

A photocopy of this order be placed on the file of another connected case.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 17.08.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

January 17, 2023

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No