

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

206

CRM-M-3321-2023 (O&M)

Date of decision: 09.08.2023

Harpreet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Harpal Singh Sidhu, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 27.02.2023, this Court had passed the following order:-

“XX XX XX

Prayer in this petition under Section 438 Cr.P.C., has been made for grant of anticipatory bail in FIR No.125 dated 04.06.2022, under Sections 336, 506, 148, 149 of IPC, 1860 and Sections 25 & 27 of Arms Act, 1959 and (Section 307 is added later on), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

Learned counsel for the petitioner contends that no role has been attributed to the petitioner. Even on a bare perusal of the FIR itself, it is evident that it is a case of no injury as well.

This Court vide order dated 23.01.2023, issued notice and sought further information with respect to submissions made by the learned State counsel that the petitioner is an habitual offender and involved in 6 other cases of similar nature. In compliance thereof, an affidavit has filed today before this Court. It is taken on record. Annexure A-1 to the said affidavit has given the status of 5 cases in which the petitioner is involved, wherein he is found innocent in FIR No.96 dated 21.06.2022 under Sections 307, 447, 511, 506, 427, 148, 149 of IPC and Sections 25 & 27 of Arms Act, registered at Police Station Makhu, District Ferozepur. One of the FIR No.77 dated 18.06.2019 under Sections 447, 511, 336, 506, 149 of IPC and Sections 25 & 27 of Arms Act, registered at Police Station Makhu, District Ferozepur stands quashed. In another FIR No.51 dated 23.06.2016 under Sections 354 and 354-A of IPC, registered at Police Station Sadar Moga, District Moga, the petitioner has been acquitted. In the remaining two FIRS bearing No. 29 dated 22.09.2022 and FIR No. 143 dated 07.09.2022, the petitioner is on bail.

The above-said fact has not been controverted by learned State counsel.

Considering the aforesaid facts and the status of the petitioner in another pending cases, the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 06.07.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 27.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

August 09, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No