

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211 CRM-M-3654-2023
Date of decision: 27.07.2023

Pushpa ..Petitioner

Versus

State of Haryana ..Respondent

CRM-M-12467-2023 (O&M)

Jagdish @ Jagdish Panchal ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. SK Panwar, Advocate
for the petitioner in CRM-M-3654-2023.

Mr. Keshav P. Singh, Advocate
for the petitioner in CRM-M-12467-2023.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 20.03.2023, this Court had passed the following order:-

“Counsel for the petitioner(s) inter alia contends that the petitioner(s) have been falsely implicated in the present case and recovery of weapon is already effected and during the trial which is being faced by co-accused Priya @ Preeti, the prosecution witnesses have not supported the case of the prosecution and further, as per medical evidence, possibility of the shot being fired accidentally cannot be ruled out. So, prayer is made that the petitioner(s) be allowed to join the investigation.

Counsel appearing on behalf of the complainant has not refuted the fact that while appearing in the witness

box, the complainant and other material witnesses failed to support the case of the prosecution.

State counsel on instructions from PSI Sunil Kumar submits that indeed, during the trial faced by Priya @ Preeti, all the material witnesses have resiled from their previous statements.

In view of above, the petitioner(s) are hereby directed to join the investigation with the police and in case of arrest, they are to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner(s) are also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

Now be listed on 27.7.2023.

A photocopy of this order be placed on the file of the connected matter, numbered above.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from ASI Pardeep affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners are allowed and the order dated 20.03.2023 granting interim bail to them, 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 petitioners fail 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 them.

6. Photocopy of this order be placed on the connected file.

27.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No