

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

201

CRM-M-4231-2023

Date of decision: 19.09.2023

Atul Kumar

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. S.S. Grewal, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 01.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.102 dated 06.09.2022 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Mataur, District SAS Nagar.

Learned counsel contends that as per the allegations petitioner had merely accompanied the co-accused Vikramjit Singh @ Bikramjit Singh at the time of execution of the agreement to sell. He is neither the signatory nor beneficiary of the same, as the earnest money had been received by Gurdev Singh and Gurinderpal Singh. The dispute arose between the complainant and co-accused with regard to the same. The said co-accused Vikramjit Singh @ Bikramjit Singh has been granted anticipatory bail by this Court vide order dated 24.01.2023. Petitioner is not involved in any other case and is ready and willing to join investigation as and when required by the investigating agency.

Meanwhile, the petitioner is directed to join the investigation on or before 08.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 19.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned 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 any 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 01.08.2023 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

19.09.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No