

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-5040-2023 (O&M)

Date of decision: 15.03.2023

SUPANDEEP SINGH (MINOR)

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.128 dated 06.12.2022, under Sections 379-B and 34 of the Indian Penal Code, 1860 registered at Police Station Qadian District Gurdaspur.

On 01.02.2023, 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. 128 dated 06.12.2022, registered under Sections 379-B and 34 of the Indian Penal Code, 1860 at Police Station Qadian, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner who is 17 years and 4 months has been falsely implicated in the FIR, though, was not named in the FIR. However, his name has surfaced in the disclosure statement of the co-accused Sehajpal who has since been granted bail by the trial Court vide order dated 05.01.2023 (Annexure P-2) and the recovery of alleged mobile phone has also been effected from him. Co-accused Akashdeep Singh has been granted interim

anticipatory bail by this Court vide order dated 24.01.2023 in CRM-M-2779-2023. He placed reliance on the judgment passed by Hon'ble Bombay High Court in Raman Vs. State of Maharashtra, 2022 (2) AIR Bom.R (Cri) 914 to show that the petition under Section 438 Cr.P.C. for grant of anticipatory bail filed by a minor was entertained and allowed. He further submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 15.03.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 08.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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.”

Learned counsel for the petitioner submits that in pursuance of order dated 01.02.2023 of this Court, the petitioner has not only joined investigation but has 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.

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

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 01.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

March 15, 2023

S.Sharma(syr)

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