

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-5233-2023
Date of decision: 29.05.2023

Anil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajesh Duhan, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Preetinder Singh Ahluwalia, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. On 02.02.2023, 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. 257 dated 20.12.2022, registered under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Kotwali, Patiala, District Patiala.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and his name was surfaced based on the disclosure statement made by the co-accused Harbans Singh against whom the allegation was that the bank account had been opened by forging the signatures of the complainant. It is further stated that the petitioner, who works as loan agent, is not the beneficiary. She 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 29.03.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State and Mr. Preetinder Singh Ahluwalia, Advocate appears on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 07.02.2023. 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.”

2. Learned counsel submits that in pursuance of the above 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 from ASI Mukhtiar Singh 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 02.02.2023 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

29.05.2023
Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No