

2023:PHHC:049095

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 201-2

CRM-M-5831-2023

Date of decision:11.04.2023

Nishan Singh @ Mithu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vinay Kumar, Advocate, for the petitioner.
 Mr.Shubham Kaushik, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.122 dated 01.10.2022 registered under Sections 323, 324, 336, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

On 16.02.2023 this Court had passed the following order: -

“Learned counsel for the petitioner *inter alia* contends that after grant of ad interim bail by the trial court the petitioner could not join investigation as he was attending to his ailing mother and that if he is granted another opportunity, he shall not only join but also cooperate with the investigation.

Notice of motion.

Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the respondent.

For arguments, adjourned to 11.04.2023.

To be heard along with CRM-M-686-2023.

Before the adjourned date, the State shall file a concise status report.

In the meanwhile, subject to payment of Rs.5000/- as costs to be deposited with Veeranwali Foundation Nanhi Jaan, ICICI Bank, Sector-34, Chandigarh (Account No.134101000271 IFSC Code ICIC0001341) and joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of petitioner's arrest in FIR No.122 dated 01.10.2022 registered under Sections 324, 323, 336, 148 and 149 IPC and Section 25 of the Arms Act at Police Station Dera Baba Nanak, District Batala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order and the statement made on behalf of the State as also that the order granting ad interim anticipatory bail to the similarly placed co-accused, who has earlier approached this Court through CRM-M-686-2023-*Sahib Singh vs. The State of Punjab*, has already been ordered to be made absolute, subject to the petitioner's abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 16.02.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

11.04.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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