

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-6834-2023 (O&M)

Date of decision: 21.03.2023

AMIT RAJPUT AND ANR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Umesh Aggarwal, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Prateek Sodhi, Advocate
for the complainant.

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.113 dated 13.09.2022, under Sections 307, 148 and 149 of the Indian Penal Code, 1860 and Sections 25/27/54/59 of Arms Act, registered at Police Station Mohkamura, District Amritsar.

On 09.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.113 dated 13.09.2022, registered under Sections 307/148/149 IPC, 1860 and Sections 25/27/54/59 of Arms Act, 1959 at Police Station Mohkamura, District Amritsar.

Learned counsel contends that though the petitioners were named in the FIR, but no overt act has been attributed to them. The injury has been attributed to the co-accused Sahil Suniara and Manpreet Singh Bhatta, who are in custody. Further, there was a compromise that has been arrived at between the petitioners, who are real brothers along with the complainant, Annexure P2 and not involved in any other case.

He further submits that the petitioners are ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion for 21.03.2023.

At the asking of the Court, Mr. Kamalpreet Bawa, AAG, Punjab accepts notice on behalf of respondent-State.

Mr. Prateek Sodhi, Advocate appears on behalf of the complainant affirms the factum of that compromise and that he has instructions from the client that he has no objection in case anticipatory bail is granted to the petitioners.

Meanwhile, the petitioners are directed to join the investigation on or before 15.02.2023. In the event of arrest of the petitioners, they 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 petitioners 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 petitioners submits that in pursuance of order dated 09.02.2023, of this Court, the petitioners have not only joined investigation but have 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.

Learned State counsel on instructions from SI Salwinder Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 09.02.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

March 21, 2023

M.Kamra

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