

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-8959-2023
Date of decision: 29.03.2023

GAURAV ATTRI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amandeep Saini, 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. 06 dated 04.01.2019, under Sections 406, 420, 120-B of IPC and Section 13 of the Human Smuggling Act registered at Police Station Banur, District Patiala.

On 20.02.2023, 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.06 dated 04.01.2019, registered under Sections 406, 420, 120-B IPC and Section 13 of the Human Smuggling Act, at Police Station Banur, District Patiala.

Learned counsel contends that the matter inter se parties stands settled vide Annexure P-2 and another petition was filed for grant of anticipatory bail, wherein this Court vide order dated 09.02.2023, Annexure P-3 has granted interim anticipatory bail on the

complainant having affirmed the factum of compromise. A petition for quashing of FIR by way of compromise has also been filed bearing CRM-M-6887-2023, wherein direction has been issued for getting statements recorded of the parties, which is listed for 12.04.2023. He submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

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 27.02.2023. 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.

Adjourned to 29.03.2023.”

Learned counsel for the petitioner submits that in pursuance of the above order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that the matter also stands settled between him and the complainant as the entire amount has been paid to the complainant. He further contends 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 Ram Krishan 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 20.02.2023 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

29.03.2023

Mehak

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