

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-9547-2022

Date of Decision: 29.05.2023

Nikhil Singh

..... Petitioner

Versus

U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Kumar, Advocate for
Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

HARSH BUNGER J. (ORAL)

1. Petitioner (Nikhil Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.105 dated 25.07.2021, under Sections 120-B, 147, 148, 149, 195-A, 395, 449, 452, 427 and 506 of the Indian Penal Code, registered at Police Station Maloya, Chandigarh.

2. On 07.03.2022, the following order was passed by a co-ordinate Bench of this Court :-

“The learned counsel for the petitioner has submitted that in the present case the petitioner is seeking anticipatory bail. He has submitted that the other co-accused, who were arrested by the police have since been acquitted by the learned trial Court and has also submitted that the petitioner was never declared as a proclaimed offender. He further submitted that it was a case of no injury and during the trial, seven co-accused have since been acquitted by the learned

*trial Court as the complainant has turned hostile. He has also relied upon the judgment of a Division Bench of this Court in **Sudo Mandal @ Diwarak Mandal Vs. State of Punjab, 2011 (2) R.C.R. (Criminal) 453.***

Notice of motion.

Mr. Rajiv Vij, APP for UT, Chandigarh accepts notice on behalf of the State of UT and prays for some time to seek instructions and to file an affidavit.

In the affidavit, the State shall also state as to what steps were taken by the police against the petitioner when he was absconding.

Let the affidavit be filed before the next date of hearing with an advance copy to the learned counsel for the petitioner.

Adjourned to 2.8.2022.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

4. Learned counsel for U.T., Chandigarh, on instructions from Assistant Sub Inspector Sahib Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required in the present case, at this stage. However, learned counsel for U.T., Chandigarh further submits that the petitioner was arrested in another case FIR No.92 dated 01.08.2022, registered under

Sections 147, 148, 149, 323, 325, 354, 379, 379-B 392, 394, 395, 397 and

411 of the Indian Penal Code, at Police Station Maloya, Chandigarh, on 01.08.2022, but it is fairly stated that the petitioner has been granted bail in the said case by a co-ordinate Bench of this Court vide order dated 10.05.2023 passed in CRM-M-45070-2022 titled as “***Nikhil Singh Vs. State of U.T. Chandigarh***”. Photocopy thereof is also handed over in Court today, which is taken on record, subject to all just exceptions.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 07.03.2022, passed by a co-ordinate Bench of this Court, is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

10. Present petition is accordingly disposed of.

29.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No