

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-9530-2023
Date of decision: 18.04.2023

AKASH SINGH @ AKASH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rohit Sharma, Advocate for
Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

Present petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 5 dated 28.01.2023, under Sections 307, 323, 148, 149 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Ajitwal, District Moga.

On 17.03.2023, 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.5 dated 28.01.2023, registered under Sections 307, 323, 148, 149 of IPC and under Section 25 of Arms Act, 1959 at Police Station Ajitwal, District Moga.

Learned counsel inter alia contends that though the petitioner has been named in the FIR, however, no overt act has been attributed to him. The fire-arm injury has been attributed to co-accused namely

Jobanpreet, while the khanda blow has been attributed to co-accused Labha. There is no specific injury attributed to him. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

Meanwhile, the petitioner is directed to join the investigation on or before 24.03.2023. 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 18.04.2023.”

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 in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Faily Singh 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 17.03.2023 granting interim bail to them, are 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

18.04.2023
Mehak

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