

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-12291-2023
Date of decision: 17.04.2023

AKASHDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prince, Advocate for
Ms. Manpreet Kaur, 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 13.03.2023, 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 the IPC, Section 25 of the Arms Act at Police Station City Ajitwal, District Moga, Punjab.

Learned counsel submits that the petitioner was not named in the FIR, however, his name surfaced based on disclosure statement

made by co-accused Jobanjit Singh, who is the main accused and is in custody. Even as per the said statement, only the presence of the petitioner has been shown, however, no overt act has been attributed. He is not involved in any other case and 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 17.03.2023. 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 17.04.2023. ”

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 SI Sukhwinder 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 13.03.2023 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

17.04.2023
Mehak

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