

2023:PHHC:055078
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-14339-2023 (O&M)
Date of decision: 19.04.2023

SANDEEP KUMAR @ LATI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.D. Sharma, 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.124 dated 16.05.2020, registered under Sections 323, 324, 341, 188, 34, 326 of the IPC (Section 326 IPC added later on) at Police Station Gate Hakima, District Police Commissionerate, Amritsar.

On 21.03.2023, 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.124 dated 16.05.2020, registered under Sections 323, 324, 341, 188, 34, 326 of the IPC (Section 326 IPC added later on) at Police Station Gate Hakima, District Police Commissionerate, Amritsar.

Learned counsel contends that the FIR had been lodged after a delay of 21 days as the incident had taken place on 27.04.2020. As per the FIR, the petitioner is attributed lalkara and kick blows and is not stated to be armed with any weapon. Section 326 IPC has been added on 13.01.2023 on account of the injuries having been caused by co-accused, who were armed with weapons. He is not involved in any other case. Learned counsel 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 28.03.2023. 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 19.04.2023.

Learned counsel for the petitioner submits that in pursuance of order dated 21.03.2023, of this Court, 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 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 21.03.2023 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

April 19, 2023

M.Kamra

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