

2023:PHHC:084343

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

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CRM-M-12645-2023 (O&M)
Date of decision: 05.07.2023

Chander Mohan @ Sonu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Malhar Singh Dhami, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Bhupinder Ghai, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 29.03.2023, this Court had passed the following order:-

“ xx xx xx

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.34 dated 16.02.2023, registered under Sections 420 and 120-B of the IPC at Police Station Machhiwara, District Khanna, Ludhiana.

Learned counsel contends that as per the agreement to sell was entered into between the complainant and Harminder Singh-who is alleged to be the main accused, the date for execution of the sale deed was 30.04.2022, which was extended to 25.05.2022. Whereas the previous agreement to sell regarding the said land was cancelled prior to that date i.e.on 21.06.2022. Still further, the petitioner had only brokered the deal between the complainant and the co-accused and had taken only his commission. He is not the alleged to have been paid any amount by the complainant. The petitioner is even otherwise not a beneficiary as the amount was paid to said Harminder Singh by the complainant. 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.

Mr. Bhupinder Ghai, Advocate puts in appearance on behalf of the complainant.

Meanwhile, the petitioner is directed to join the

investigation on or before 04.04.2023. 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 15.05.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but 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.
3. Learned State counsel on instructions from ASI Jasvir Kumar affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. 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 29.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

July 05, 2023

M.Kamra

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