

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

201

CRM-M-13093-2023 (O&M)**Date of decision: 12.07.2023**

Kewal Singh Boparai and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gautam Dutt, Advocate for
Mr. K.S. Sidhu, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr.Sunny K. Singla, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 16.03.2023, this Court had passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in case FIR No.18 dated 9.2.2023 under sections 420, 120-B I.P.C (sections 465, 467, 468, 471 IPC were added later on), registered at Police Station, Sadar Ahmedgarh, District Malerkotla.

Learned counsel for the petitioner has contended that the petitioners have been falsely implicated in the present case. It is submitted that the dispute in question is matrimonial in nature. He submits that daughter of the petitioners was married with the son of the complainant and both husband and wife are living in New Zealand. It is further submitted that petitioner no.1 had got registered an FIR against the complainant side and the present FIR has been lodged only as an act of vendetta. Counsel submits that no case for custodial interrogation of the petitioners is made out. He submits that petitioners have no criminal antecedents and they are ready to join investigation.

Notice of motion.

On the asking of the court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent-State.

Learned State counsel on instructions from ASI Tarsem Kumar submits that the FIR registered by petitioner no.1 was duly investigated and after completion of investigation a cancellation report was filed in the court of competent

jurisdiction and the same has been duly accepted by the court concerned.

List on 12.7.2023.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

(ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioners shall not leave India without prior permission of the court.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from ASI Harbaksh Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 16.03.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

12.07.2023
S.Sharma(syr)

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