

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

204

CRM-M-14658-2023 (O&M)**Date of decision: 24.07.2023**

Ajit Singh @ Mintu Kabaria @ Pehlwan

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Dua, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 23.03.2023, this Court had passed the following order:-

“This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.43 dated 22.03.2021 under Section 381 IPC, registered at Police Station Rama Mandi, Jalandhar.

Present FIR has been registered by complainant Ritu Sharma wife of late Jatinder Sharma with the allegations that her husband has expired four years back, whereas she is in possession of one Bolero vehicle bearing No.PB-08-EB-5137 and the vehicle was deployed for carrying parcels of Blue Dart Company. Complainant employed one Hardeep Singh as driver over the said vehicle, which was employed about a month back. On 07.02.2021 at 11:00 a.m driver Hardeep Singh called the complainant that he want to clean the vehicle and complainant permitted him to take away the vehicle, but neither the driver has returned and nor vehicle, whereas his phone was switched off. Complainant further stated that she has searched for him at her own level and prayed for action on these grounds. On the basis of these allegations, later on accused Hardeep Singh was arrested, whereas it has come on record in the disclosure statement that one Shamsher Singh and petitioner-Ajit Singh were involved in the alleged occurrence.

Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case. He has been nominated on the basis of

disclosure statement of the co-accused Hardeep Singh and apart from the disclosure statement, which is not admissible in evidence and there is no linking evidence to connect the petitioner with the alleged offence. He further submits that the co-accused Hardeep Singh has been granted regular bail by the Court of learned Chief Judicial Magistrate, Jalandhar vide order dated 18.03.2023 and other co-accused Shamsher Singh has also been granted regular bail by the Court of learned Chief Judicial Magistrate, Jalandhar vide order dated 16.03.2023.

He further submits that petitioner is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to file reply/status report.

Adjourned to 24.07.2023.

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

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.
- 2) That the petitioner 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.
- 3) That the petitioner shall not leave India without prior permission of the court.”

2. Learned counsel submits that in pursuance of the aforesaid 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 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 23.03.2023 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

24.07.2023
S.Sharma(syr)

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