

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

212

CRM-M-14532-2023
Date of decision: 11.09.2023

Parkash Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 22.03.2023 and 26.07.2023, this Court had passed the following orders:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 25 dated 03.02.2023 registered under Sections 382, 379-B, 506, 148 and 149 of the Indian Penal Code and Section 25 of Arms Act at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioner contends that present petitioner is a 19 years old boy who has been falsely implicated in the present case and no specific role has been attributed to him. He further contends that as per contents of FIR, present petitioner was riding the motor-cycle. Learned counsel submits that other co-accused have already been released on anticipatory bail by the trial Court vide orders dated 03.03.2023 and 10.03.2023 and no other criminal case is pending against the petitioner. Learned counsel further submits that nothing is to be recovered from the petitioner and he is ready to join the investigation.

Notice of motion.

Mr. P.S. Grewal, DAG Punjab, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report and suffered a statement that nothing is to be recovered from the petitioner.

Adjourned to 17.05.2023.

Meanwhile, in the event of arrest, petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner

shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

“ xx xx

Learned counsel submits that petitioner is ready and willing to join investigation though he has joined investigation in compliance of order dated 22.03.2023.

The petitioner is directed to join the investigation on or before 02.08.2023.

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 11.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned orders, 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 Kuldeep Singh 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 any 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 orders dated 22.03.2023 and 26.07.2023 granting interim bail to him, are 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

11.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No