

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

276-A

**CRM-M-14685-2023
Date of decision: 20.04.2023**

MANISH KUMAR AND ANOTHER

....Petitioner(s)

Versus**STATE OF PUNJAB**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY*********

Present : Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. I. P. S. Sabharwal, 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. 02 dated 06.01.2022, under Sections 341, 323, 324, 379, 506, 427, 148 and 149 IPC (Sections 325 and 307 added later on) (now Section 307 IPC deleted) registered at Police Station Amloh, District Fatehgarh Sahib.

On 23.03.2023, 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.2 dated 06.01.2022, registered under Sections 341, 323, 324, 379, 506, 427, 148 and 149 of the Indian Penal Code, 1860 at Police Station Amloh, District Fatehgarh-Sahib, Punjab.

Learned counsel contends that it is the case of version and cross-version. The co-accused Sukhpreet Singh @ Sukhi had made a

complaint that it was the complainant party who had attacked them which has been registered as DDR No.44 dated 17.01.2022 (Annexure P-4). There is no specific attribution to the petitioner of having caused any injury as is discernible from the FIR. Specific injury having been caused to injured Sukhvir Singh is on his ankle, which has been attributed to co-accused Prabhdeep Singh, who has since been granted interim anticipatory bail by this Court vide order dated 16.03.2023 (Annexure P-7).

Besides an FIR No.1 dated 05.01.2023 registered a day prior to the occurrence in the present case between the same parties, the petitioners are not involved in any other case under IPC. Learned counsel for the petitioners further submits that the petitioners are ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 19.04.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 30.03.2023. In the event of arrest of the petitioners, they 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 petitioners do 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 ”

Learned counsel for the petitioners submits that in pursuance of the above order, the petitioners have not only joined investigation, but have 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.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 23.03.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

20.04.2023
Mehak

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