

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

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CRM-M-15284-2023

Date of decision: 05.07.2023

Sukhpreet Singh @ Sukhi Sandhu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kamal Narula, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. On 24.04.2023, 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.02 dated 06.01.2022, registered under Sections 341, 323, 324, 379, 506, 427, 148, 149 IPC (Sections 325 and 307 IPC added later on) at Police Station Almoh, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner submits that the 1st bail application filed by him, was withdrawn at the outset without arguing the matter. However, during the interregnum, Section 307 IPC stands deleted vide DDR dated 27.02.2023. He relies on the judgment passed by Hon'ble The Supreme Court of India in the case of Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav, 2005 (2) SCC 42, Ganesh Raj vs. State of Rajasthan and others, 2005 (3) R.C.R. (Criminal) 30 passed by Rajasthan High Court and Sanjay and State of Haryana, 2020 SCC OnLine P&H 4779 passed by this Court to submit that in view of the changed facts, the second petition for anticipatory bail is maintainable. He submits that the only offence that is non-bailable, is Section 379 IPC. It is a case of version and cross-version and there is no specific allegation to anyone in the FIR. However, in the statement of injured Sukhvir recorded during the course of investigation, a specific injury on his ankle has been attributed to Parbhdeep Singh @ Chintoo, who has already been granted anticipatory bail by this Court vide order dated 16.03.2023, (Annexure P-8) and to the petitioner, injury attributed is on his left hand. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating

agency.

Notice of motion.

The petitioner is directed to join the investigation on or before 01.05.2023. 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 05.07.2023.”

2. Learned counsel submits that in pursuance of the above 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 24.04.2023 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

05.07.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No