

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

201/2

CRM-M-17158-2023 (O&M)

Date of decision: 07.08.2023

Bahadur Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balbir Singh, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 12.04.2023, this Court had passed the following orders:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.27, dated 27.01.2023, under Sections 418, 420, 465, 468, 471, 120-B IPC, registered at Police Station Tripri Patiala, District Patiala.

It has been contended by counsel for the petitioners that property in dispute is not a co-parcenary property and one of the co-accused Jeet Singh is the absolute owner of the same. It is submitted that dispute is within the family, which is totally civil in nature. He also submits that the complainant has already filed a suit for permanent injunction, which is pending adjudication. It is further submitted that the allegations made in the FIR do not make a prima facie case for custodial interrogation as no case is made out against the petitioners, as alleged. He has relied upon judicial precedent of Hon'ble Apex Court in Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Crl.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation of petitioners is made out, however, they are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

List on 07.08.2023

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.”

State is directed to file status report on or before the next date of hearing.”

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 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 petitions filed by the petitioners are allowed and the order dated 12.04.2023 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

07.08.2023
S.Sharma(syr)

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