

2023:PHHC:084346

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218 (II)

CRM-M-18005-2023 (O&M)
Date of decision: 05.07.2023

Dinesh Kumar @ Sonu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Malhar Singh Dhami, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Bhupinder Ghai, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 17.04.2023, 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.34 dated 16.02.2023 registered under Sections 420 and 120-B IPC and subsequently added Sections 467, 468, 471 at Police Station Machhiwara, District Khanna, Ludhiana.

Learned counsel contends that the allegation against the petitioner is of having received Rs.50,000/- in his bank account as commission, being a property dealer. He is neither the beneficiary nor the signatory to the agreement to sell. He relies on order dated 29.03.2023 passed by this Court in case of co-accused Chander Mohan @ Sonu, who has been granted interim anticipatory bail against whom similar allegations were raised. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State and Mr. Bhupinder Ghai, Advocate appears and files his power of attorney on behalf of complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 21.04.2023. 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 15.05.2023.

To be heard along-with CRM-M-12645-2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 from ASI Jasvir Kumar 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 17.04.2023 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

July 05, 2023

M.Kamra

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