

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

211

CRM-M-18001-2023 (O&M)

Date of decision: 15.05.2023

Gurlahmbar Singh @ Gurjeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S. Malwai, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

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 DDR No.43 dated 18.10.2022 under Sections 323, 324, 148, 149 IPC later on added Section 326 IPC and Sections 341, 506 IPC through some zimni as these offences are noted in the bail order, which is cross version of FIR No.171 dated 17.10.2022 registered under Sections 452, 323, 324, 506, 34 IPC at Police Station Nihal Singh Wala, District Moga.

Learned counsel contends that the FIR was lodged by one Ali Khan against Hardeep Singh and others of having caused injuries to him, when he entered the shop of the petitioner, who was also injured in that scuffle. Thereafter, one DDR was registered against the petitioner and others, alleging an injury by the petitioner on the ring finger of complainant-Hardeep Singh. It cannot be ruled out that the injury could be self-inflicted or by friendly hand, which was the opinion of the doctor. The complainant-Hardeep Singh has been granted anticipatory bail in the said FIR. The petitioner is not involved in any other case. 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 on instructions affirms that the petitioner is not involved in any other case and Mr. B.S. Bhalla, Advocate puts in appearance 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.”

2. Learned counsel submits that in pursuance of the aforesaid 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 Boota Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation 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 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 him.

(AMAN CHAUDHARY)
JUDGE

15.05.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No