

2023:PHHC:072543
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-18761-2023 (O&M)
Date of decision: 17.05.2023

Gurchetan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. M.S. Chauhan, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 18.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.30 dated 26.02.2023, registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Shahkot, District Jalandhar.

Learned counsel contends that the petitioner had merely introduced the complainant to one Neeraj Attar. There is no allegation that any amount was paid to him by the complainant. The allegations against the petitioner are that the complainant had paid the amount in question to one Neeraj Attar in the presence of the petitioner as both the complainant and the said persons used to visit Dargah, of which the petitioner is a Sewadar. Still further, visa was granted to the complainant which was initially found to be fake, but had been granted later. Learned counsel 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.

Meanwhile, the petitioner is directed to join the investigation on or before 22.04.2023. 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 17.05.2023.”

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 Balvir Chand 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 18.04.2023 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

May 17, 2023

M.Kamra

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No