

2023:PHHC:088453

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

211

CRM-M-20714-2023 (O&M)
Date of decision: 13.07.2023

Narinder Singh and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amrik Singh, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 26.04.2023, 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 petitioners in case FIR No.30 dated 18.05.2022, registered under Sections 323, 379-B, 385, 148 and 149 of IPC at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel contends that the petitioners have been falsely implicated in the case, as they were not even present at the spot. However, a compromise has been arrived at between the parties on 31.03.2023, Annexure P-4, pursuant to which, a petition bearing CRM-M-17481-2023 for quashing of the FIR on compromise has been filed, wherein direction has been issued for recording the statements of the parties, vide order dated 17.04.2023. He submits that petitioners are not involved in any other case and are 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 petitioners are directed to join the investigation on or before 03.05.2023. In the event of arrest of the petitioners, they 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 petitioners do 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 13.07.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency and even a petition bearing No. CRM-M-17481-2023 filed by the petitioners for quashing of FIR has already been allowed. 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 from ASI Kamal Kishore affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency as well as the petition seeking quashing of the FIR is allowed. 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 petition filed by the petitioners is allowed and the order dated 26.04.2023 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

July 13, 2023

M.Kamra

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