

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

208

CRM-M-20916-2023

Date of decision: 08.08.2023

Yogesh Kumar @ Vicky @ Micky

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Sushma Sharma, Advocate for
Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 27.04.2023, this Court had passed the following order:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.160 dated 30.06.2019 registered under Section 306 of the Indian Penal Code, 1860 at Police Station City Kaputhala, District Kaputhala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner has not done any act which might have compelled the deceased to commit suicide. No offence under Section 306 of the IPC is made out against the petitioner. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. Similarly placed co-accused Kamal Varma, Dalip Kumar @ Tunda, Ashwani Kumar, Sarabjit Kaur, Harjinder Singh and Harbinder Kaur have already been released on anticipatory bail by this Court vide orders dated 22.11.2019, 15.07.2021 and 10.04.2023. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

Adjourned to 08.08.2023.

In the meanwhile, the petitioner is directed to join the investigation and appear before the Investigating Officer within 10 days from today and on his doing so, the petitioner shall be released on interim anticipatory bail subject to his furnishing

personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.”

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but has 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 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 27.04.2023 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

08.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No