

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

210

CRM-M-20866-2023

Date of decision: 14.09.2023

Nanakjeet Arora

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Pradeep Chhoker, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. On 27.04.2023, 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 of FIR No.41 dated 16.03.2023, registered under Sections 323, 324, 506, 148, 149 IPC (Section 326, 379, 411 IPC added later on) at Police Station Cantonment, District Amritsar.

Learned counsel contends that the petitioner has not been attributed any overt act. His two nephews, who have been named in the FIR along with him, have been granted interim anticipatory bail by the trial Court. As regard to the cases mentioned in the order by the trial Court for rejecting his application, he has drawn the attention of this Court to para 7 of the petition wherein it is stated that he was involved in 7 FIRs out of which, 1 has been quashed, 4 have been cancelled and in 2 he is on bail, i.e. in FIR No.69 dated 20.04.2018 registered under Sections 448, 511, 427, 34 IPC and FIR No.105 dated 19.05.2018 registered under Sections 379, 411 IPC. He further submits that there is a civil litigation pending inter se the parties with regard to a property and it is on this account that he has been falsely implicated in this case. 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. He affirms the factum of 1 FIR having been quashed and 4 having been cancelled and only 2 FIRs are pending against the petitioner besides 1 Kalandra.

Mr. L.M. Gulati, Advocate has put in appearance on behalf of the complainant.

The petitioner is directed to join the investigation on or before 04.05.2023. In the event of his arrest, 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 11.07.2023.”

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 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 any 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

14.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No