

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

214+101

CRM-M-21629-2023

Date of decision: 06.07.2023

Pandit Roshan Lal @ Roshan Lal

....Petitioner

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

\*\*\*\*\*

Present : Mr. Ritesh Pandey, Advocate  
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Vipin Mahajan, Advocate  
for the complainant

\*\*\*\*\*

**AMAN CHAUDHARY. J.**

**CRM-27150-2023**

For the reasons mentioned in the application, same is allowed and  
Annexure R-1 is taken on record subject to all just exceptions.

**CRM-M-21629-2023**

1. On 01.05.2023, 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.48 dated 14.03.2023, registered under Sections 304 and 34 IPC at Police Station Dina Nagar, District Gurdaspur.

Learned counsel contends that co-incidentally the complainant and the petitioner are present at the spot, since the complainant was informed that her son had met with an accident, however, on the other side, there was an accident

between the son-in-law of the petitioner and one Rahul. It is on this account that when a mob had gathered there, the husband of the complainant got pushed, on which he suffered injuries. It is not a case where the petitioner had caused injuries to the deceased, who was taken to the mortuary in the presence of the police, however, no FIR was lodged. The same was lodged the next day, on the asking of a neighbour who nursed a grudge with the petitioner. 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 Mr. Vipin Mahajan, Advocate appears on behalf of complainant and prays for time to file reply.

Meanwhile, the petitioner is directed to join the investigation on or before 08.05.2023. 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 of the conditions as 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 06.07.2023. ”

2. Learned counsel submits that in pursuance of the above 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 Gurmej Singh 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 01.05.2023 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

06.07.2023  
*Mehak*

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