

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

215

CRM-M-23226-2023 (O&M)  
Date of decision: 18.07.2023

Mohd. Feroz

....Petitioner

**Versus**

State of Punjab

...Respondent

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

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Present : Mr. Mohd. Yousaf, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

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**AMAN CHAUDHARY. J.**

1. On 08.05.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in case of FIR No.134 dated 28.08.2022, registered under Sections 457, 380 IPC at Police Station City-II, Malerkotla, District Malerkotla.

Learned counsel contends that the petitioner has been falsely implicated in the case by his father, who wants to dispossess him and his wife along with a minor child aged 1½ years from the house they are living in. There is an unexplained and inordinate delay of 21 days in lodging the FIR. Even otherwise, the offence attracting Section 457 IPC is not made out as they are residents of the same house. The co-accused of the petitioner, who is his wife, has been granted the concession of interim anticipatory bail vide order dated 03.05.2023, Annexure P-1. He is not involved in any other case and 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 15.05.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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 18.07.2023.”

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 and anticipatory bail granted to the co-accused Muskan has since been confirmed vide order dated 10.07.2023. 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 Maghar 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 08.05.2023 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**

**July 18, 2023**

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No