

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

206

CRM-M-23542-2023 (O&M)

Date of decision: 01.08.2023

Avtar Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pardhuman Garg, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Bhupinder Ghai, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 05.07.2023, 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 FIR No.34 dated 16.02.2023, registered under Sections 420, 120-B IPC at Police Station Machhiwara, District Ludhiana.

Learned counsel contends that the petitioner was a mere signatory to the agreement to sell and not a beneficiary. Further, a compromise has been arrived at between the petitioner and the complainant and CRM-M-30111-2023 has been filed for quashing of the FIR by way of compromise qua him, wherein directions have been issued to the parties to get their statements recorded on 10.07.2023. The petitioner is not involved in any other case. He is ready and willing to join investigation as and when required by the investigating agency.

Learned counsel for the complainant affirms the factum of compromise having been arrived at and has instructions that the complainant has no objection, in case interim anticipatory bail is granted to the petitioner.

The petitioner is directed to join the investigation on or before 12.07.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of 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 01.08.2023.”

2. Learned counsel submits that in pursuance of the aforesaid 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 Sanjiv Kumar 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 05.07.2023 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

01.08.2023
S.Sharma(syr)

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