

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

290

CRM-M-24060-2023 (O&M)

Date of decision: 26.07.2023

Jashan

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vaibhav Narang, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 11.05.2023, 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 FIR No. 0169 dated 11.12.2022, registered under Sections 323, 324, 452 and 34 of IPC (Sections 379-B and 325 IPC added later on) at Police Station Sultanwind, District Police Commissionerate Amritsar.

Learned counsel submits that the name of the petitioner has surfaced in a supplementary statement made by the daughter of the complainant after 10 days of the alleged incident as he was not named in the FIR. As per the said statement he was armed with a hockey stick and had dragged the victim Jonika but no injury has been attributed to him. He further submits that the petitioner was not present at the spot and has been falsely implicated in the case. Co-accused Shinder Kaur who was named in the FIR and was attributed the injury on the arm of the victim, has been granted anticipatory bail vide order dated 16.03.2023, Annexure P-2 and co-accused Tarsem Singh, who also was named in the FIR and attributed specific injury, has been granted regular bail vide order dated 21.03.2023, Annexure P-3. He is not involved in any other case. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 26.07.2023.

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 18.05.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of 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.”

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 Ashwani 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 11.05.2023 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

26.07.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No