

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

207

CRM-M-24428-2023 (O&M)**Date of decision: 01.08.2023**

Gaurav @ Gora

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.A.S. Khinda, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Sahil Puri, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 24.05.2023, 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.79 dated 08.04.2023, registered under Sections 323, 325, 452, 34 IPC at Police Station City Kapurthala, District Kapurthala.

Learned counsel contends that though the petitioner was named in the FIR, however, there is no specific attribution of any injury to him. The injuries caused are at the hands of co-accused Arjan and Amit. Petitioner is not involved in any other FIR 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.

Mr. Sahil Puri, Advocate appears on behalf of the complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 31.05.2023. 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 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 Harparshad 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 24.05.2023 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

01.08.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No