

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

205

CRM-M-24971-2023 (O&M)
Date of decision: 16.10.2023

Lovepreet Singh @ Lucky and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Veneet Sharma, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 18.07.2023, this Court had passed the following order:-

“xx xx xx

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.41 dated 16.03.2023, registered under Sections 323, 324, 506, 148 and 149 IPC (Sections 326, 379 and 411 IPC added lateron), at Police Station Cantonment, District Amritsar.

After arguing for some time, learned counsel on instructions submits that petitioner No.2 is ready to surrender before the trial Court and prays that his bail application be directed to be decided within a time bound manner.

In view of the prayer made, without expressing any opinion on the merits of the case, present petition is partly disposed of with a direction to the trial Court that in case the petitioner No.2 surrenders on or before 28.07.2023 and files an application for grant of bail, the same be decided expeditiously in accordance with law.

Learned counsel contends that the injury attributed to petitioner No.1 has not resulted in fracture, therefore, it is debatable that it will fall within the purview of offence under Section 326 IPC. The petitioner No.1 is not involved in any other case. He is ready and willing to join investigation as and when required by the investigating agency.

The petitioner No.1 is directed to join the investigation on or before 25.07.2023. 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 No.1

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 29.08.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner No.1 has not only joined investigation but also fully cooperated with the investigating agency and so far as petitioner No.2 is concerned, he has surrendered before the trial Court and is in custody. He further submits that in case the investigating agency requires the petitioner No.1 to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Prem Singh affirms the factum of joining the investigation by the petitioner No.1 and cooperating with the investigating agency. He also submits that at this stage, the petitioner No.1 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 No.1 is allowed and the order dated 18.07.2023 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 No.1 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

October 16, 2023
M.Kamra

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