

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

208-B

CRM-M-25033-2023

Date of decision: 29.08.2023

Sarwan Singh @ Jagroop Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Manpreet Kaur, Advocate for
Mr. Amardeep Singh, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 17.05.2023, this Court had passed the following order:-

“This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.11 dated 24.01.2023 under Sections 385, 387 IPC (Sections 120-B, 506, 109 IPC and Section 25 of the Arms Act added lateron), registered at Police Station City Tarn Taran, District Tarn Taran.

Present FIR has been registered on the basis of written complaint moved by complainant Vijay Kumar stating that he runs an electronics shop near Maharaja Ranjit Singh School at Tarn Taran. On 21.01.2023, at about 04.35 p.m., he received a call on his mobile phone number 75026-07777 from WhatsApp number +4915213900013 from gangster Landa Harike and he demanded extortion amount of Rs.20 Lacs from him. Landa Harike called him four times and he asked him to pay Rs.10 Lacs till 25.01.2023 otherwise on his failure to pay the same he threatened to cause harm to complainant and his family members.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner was not named in the FIR and has been

nominated as an accused on the supplementary statement of complainant and apart from the said statement there is no linking evidence to connect the petitioner with the alleged offence. He further submits that the main allegations in the FIR are against co-accused Landa Harike, who is stated to have demanded money from the complainant. He further submits that coaccused of the petitioner, namely, Salinder Kaur and Lovejeet Singh have been granted interim anticipatory bail by this Court vide orders dated 28.04.2023 passed in CRM-M-13108 of 2023 and CRM-M-15429 of 2023, respectively, which are now fixed for 29.08.2023. He further submits that petitioner is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and has opposed the prayer for grant of anticipatory bail to the petitioner by stating that petitioner is involved in another case being FIR No.202 dated 03.07.2020 under Sections 452, 323, 325, 506, 148, 149 IPC, registered at Police Station City Tarn Taran, although he is on bail in the said case.

Adjourned to 29.08.2023.

In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- 3) That the petitioner shall not leave India without prior permission of the court.

In the meanwhile, reply, if any, be filed before the next date of hearing with advance copy to learned counsel for the petitioner.

To be heard along with CRM-M-13108 and 15429 of 2023. ”

2. Learned counsel submits that in pursuance of the aforementioned 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 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 17.05.2023 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.

29.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No