

2023:PHHC:108599

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

286

CRM-M-27589-2023 (O&M)
Date of decision: 21.08.2023

Vasim @ Munna

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J.S. Jaidka, Advocate for the petitioner

Ms. Himani Arora, AAG Punjab

AMAN CHAUDHARY. J.

1. On 30.05.2023, this Court had passed the following order:-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.100, dated 18.05.2022, under Sections 323, 324, 341, 506, 34 of the IPC, 1860 (Section 326 of IPC added later on), registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has not been attributed any specific role to cause injury for attraction of provisions under Sections 323, 324, 341, 506, 34 of the IPC, 1860, wherein Section 326 of IPC added later on.

In para 5 of the petition, learned counsel for the petitioner has also asserted that the parties have already resolved the matter amicably, but subsequently, the complainant has backed out from the said compromise and probably after the prosecution has added Section 326 of IPC.

Notice of motion for 21.08.2023.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of respondent-State, who seeks time to get the instructions.

In the meantime, petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the afore-mentioned

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 Gurmukh Singh 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 30.05.2023 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

August 21, 2023
M.Kamra

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