

2023:PHHC:100419

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

206

CRM-M-27650-2023
Date of Decision: 03.08.2023

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G, Haryana.

AMAN CHAUDHARY, J. (Oral)

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

“It is submitted that the only evidence against the petitioner is the disclosure statement of the main accused, which is no evidence in the eyes of law. Thus, liberty of the petitioner may be protected.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana accepts notice on behalf of the respondent-State and waives service.

Adjourned to 03.08.2023.

Meanwhile, the petitioner is directed to join investigation with the Investigating Officer on 08.06.2023 at 10:00 a.m. and co-operate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his joining the investigation and compliance of the provisions enshrined under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but has 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 Rajender Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation 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 investigation 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

03.08.2023
pry

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No