

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

211

CRM-M-29802-2022

Date of Decision: 14.02.2023

Krishan Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Kanika Ahuja, Advocate with
Ms. Chahat Aggarwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Balbir Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 02.08.2022, the following order was passed:-

“In pursuance to order dated 14.07.2022, learned State counsel has placed on record status report by way of affidavit of Harinder Singh Mann, PPS, Deputy Superintendent of Police (City-I), District SAS Nagar (Mohali).

Learned State counsel has submitted that on the basis of medical conducted, the ocular version was not corroborated. However, the blood sample was taken and sent for DNA and the report of the FSL is awaited. Learned counsel for the State, on instructions from ASI Iqbal Singh, has submitted that the matter is under investigation as there was no order for joining investigation.

In view of the submissions made by counsel for the State, the interim order dated 14.07.2022 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before

the Investigating Agency/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/her 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. List on 14.11.2022.”

Learned counsel for the petitioner submits that Investigating Officer has submitted a letter before the Trial Court disclosing that cancellation report has been prepared and it has been sent to Senior Officers for confirmation.

Learned State counsel, on instructions from ASI Balbir Singh, submits that cancellation report is under process, however, petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 02.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

14.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>