

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-29938-2023
Date of decision: 26.07.2023

Anil Arora

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Keshav P. Singh, Advocate and
Ms. Tanu Priya, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 07.06.2023, this Court had passed the following order:-

“CRM-26242-2023

Application is allowed as prayed for.

Main Case

Present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.50 dated 5.4.2023 under sections 323, 342, 353, 186, 332, 34 IPC, registered at Police Station, Division No.2, Ludhiana, District Ludhiana.

Learned counsel for the petitioner has contended that petitioner was falsely implicated in case FIR No.2 dated 6.1.2023 registered under sections 323, 341, 506, 498-A IPC at Police Station, Sadar, District Ludhiana and on account of the same police party came to arrest son of the petitioner and during the process of arrest his son suffered 6 injuries out of which 5 are incised. It is submitted that son of the petitioner was arrested on 5.4.2023 and was granted bail on the same day. It is submitted that petitioner has been falsely implicated in this case by the police party on the basis of fabricated allegations. Counsel submits that petitioner is a handicapped person of 68 years of age and he has no

complicity in the present case. It is submitted that petitioner has no criminal antecedents and in the facts and circumstances of the case neither any prima facie case is made out against the petitioner nor any custodial interrogation of the petitioner is required, however, petitioner is ready to join investigation.

Notice of motion.

On the asking of the court, Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of respondent-State.

List on 26.7.2023.

In the meanwhile, 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:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) 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.

(iii) That the petitioner shall not leave India without prior permission of the court.”

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 on instructions from ASI Sona 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 07.06.2023 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.

26.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No