

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

206

CRM-M-31805-2022

Date of decision: 13.09.2023

Amritpal Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Davinder Singh, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 25.07.2022 and 02.08.2023, this Court had passed the following orders:-

“Inter alia contends that notice dated 06.10.2021 (Annexure P-7) issued under Section 135 of the Electricity Act, 2003 was sent for deposit of an amount of Rs.1,23,905/- as fine and compounding charges to the tune of Rs.3000/- and the petitioner has deposited the said amounts and receipts regarding the same have been annexed as Annexures P-8 and P-9 with the petition. It is further submitted that as per Section 152 of the Electricity Act, 2003, offence in question is compoundable. It is contended that in fact, in the premises in question, there were 15 small rooms which have been rented out to labourers and the petitioner is not residing at the quarters concerned. It is further contended that the petitioner is not involved in any other case.

Notice of motion for 07.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

“Learned State counsel, on instructions from SI Narinder Singh, submits that though the petitioner has joined the investigation, however, is not cooperating with the investigating agency.

Faced with this, learned counsel for the petitioner prays for one more opportunity to join the investigation and that he shall render full cooperation.

The petitioner is directed to join the investigation on or before 16.08.2023.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, the interim order shall be deemed to have been vacated.

Adjourned to 13.09.2023.

Interim order to continue till the next date of hearing.”

2. Learned counsel submits that in pursuance of the afore-mentioned orders, 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 SI Narinder 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 any 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 orders dated 25.07.2022 and 02.08.2023 granting interim bail to him, are 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.

13.09.2023
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No