

201

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

CRM-M-31746-2022 (O&M)

Date of Decision: 13.01.2023

SHAMBHOO NATH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Jatinder Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.0016 dated 15.02.2022 registered under Section 283 IPC, 1860 and Section 8B of the National Highway Act, 1956 at Police Station Mukerian, District Hoshiarpur.

On 25.07.2022, the following order was passed by the co-ordinate Bench of this Court :-

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.0016 dated 15.02.2022 registered at Police Station Mukerian, District Hoshiarpur, under Section 283 IPC and Section 8B of the National Highway Act, 1956.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in the present case whereas he was not even present at the spot and moreover, the petitioner is ready to join in the investigation as and when

so required and he is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has appeared on behalf of the respondent-State in this case in pursuance of the copy of the instant petition having been sent to the respondent in advance, accepts the notice. He seeks time to get proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 18.10.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Daljeet Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 25.07.2022 passed by the co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would

be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

13.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

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