

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

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CRM-M-30626-2023

Date of decision: 23.08.2023

Rajinder Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.S. Sidhu, Advocate, for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Ms. Shrinkhla Singh, Advocate and
Mr. Raghav Duggal, Advocate, for respondent No.2.

AMAN CHAUDHARY. J.

1. On 15.06.2023, this Court had passed the following order:-

The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No. 107 dated 13.05.2023, registered under Sections 306 and 34 IPC at Police Station City 2 Mansa, District Mansa.

Learned counsel for the petitioners submits that the petitioner No. 1 has retired in December 2020 as lineman from PSPCL, having served for about 40 years and is now running a flour mill while the petitioner No. 2 is engaged in cloth printing at Kot Da Tibba, having two minor daughters, aged 9 and 5 years respectively. The first petitioner had transferred some amount, to help the deceased who was in financial distress, through Paytm transactions, Annexure P-3 and had merely demanded the borrowed amount from the deceased. The altercation that is alleged to have taken place 5 days prior to the occurrence was also with the father of the deceased. Ingredients of abetment are not attracted. The petitioners are not involved in any other case. He submits that the petitioners are ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 23.08.2023.

At the asking of the Court, Mr. Vinay Kumar Gupta, AAG, Punjab accepts notice on behalf of respondent-State.

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Meanwhile, the petitioners are directed to join the investigation on or before 22.06.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

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

2. Learned counsel for the petitioners submits that in pursuance of the aforesaid order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 15.06.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

23.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No