

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

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CRM-M-30609-2023

Date of decision: 22.08.2023

Rekha and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dinesh Nagar, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

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. 94 dated 25.03.2023, registered under Sections 384 and 506 of the Indian Penal Code (Section 111 IPC added later on) at Police Station Model Town, District Hoshiarpur.

Learned counsel contends that the names of the petitioners have surfaced based on the disclosure statement of the co-accused, namely Karan. As per the allegations levelled by the complainant Karanvir Bali, on 08.02.2023 two boys asked him to pay a sum of Rs.10,000/- reasons for which have not been mentioned. On force being exerted by one of them, the complainant under fear handed over cash amount of Rs.2,000/- to him. Thereafter, the youth called him on his mobile phone raising a demand of ransom of Rs.2 lakhs and disclosed his name as Karan. It is only when the complainant came to know the complete details of the co-accused Karan that FIR was subsequently got lodged. Coaccused Karan had also named in his disclosure statement one Rajni who has since been granted anticipatory bail by this Court vide order dated 05.06.2023. The petitioners are similarly situated to the said co-accused Rajni. 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 22.08.2023.

At the asking of the Court, Mr. Vinay Kumar Gupta,

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AAG, Punjab accepts notice on behalf of respondent-State.

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 petitioner submits that in pursuance of the aforesaid 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 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 15.06.2023 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.

(AMAN CHAUDHARY)
JUDGE

22.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No