

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

213

CRM-M-30648-2023

Date of decision: 29.08.2023

Happy @ Gagandeep Singh

..Petitioner

Versus

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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**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 petitioner in case FIR No. 75 dated 02.06.2023, registered under Sections 324, 323, 336, 148 and 149 of the Indian Penal Code (Sections 326 IPC and 25 of the Arms Act added later on) at Police Station Ghuman, District Batala.

Learned counsel for the petitioner submits that it is a case of version and cross-version, wherein the petitioner has also received 6 injuries on his person and an FIR was registered, in which regard reliance has been placed upon Annexure P-2. There is a delay of 2 days in lodging the FIR. There is a dispute between the petitioner and the complainant regarding the demarcation of land, for which an application has been filed, which is discernible from the FIR itself. He is not involved in any other case. He submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 29.08.2023.

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

Meanwhile, the petitioner is directed to join the investigation on or before 22.06.2023. In the event of his arrest, he 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 petitioner does 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 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 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**

29.08.2023  
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No