

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

211

CRM-M-30672-2023

Date of decision: 19.09.2023

Nishan Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Simran Grewal Randhawa, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 16.06.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.102, dated 06.09.2022 under Sections 420, 465, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Mataur, District S.A.S. Nagar (Mohali).

Learned counsel for the petitioner *inter alia* contends that there is no allegation of cheating against the petitioner and he is not the recipient of the sale consideration. The allurements, if any, are attributed to other persons under the garb of providing agricultural land to the complainant. He further contends that the petitioner does not have any criminal antecedents and that he is ready and willing to join the investigation as and when required by the Investigating Agency. He further contends that the case in question is based upon documentary evidence and no recovery is to be effected from the petitioner.

Notice of motion.

Mr. S.S. Aulakh, AAG, Punjab, accepts notice and prays for some time to complete instructions.

On request, adjourned to 19.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the

Investigating Agency. In the event of the petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 on instructions 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 order dated 16.06.2023 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

19.09.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No