

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

210

CRM-M-31355-2023 (O&M)

Date of decision: 12.10.2023

Jagsir Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 30.06.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 68 dated 01.10.2022 registered under Sections 379, 457 of the Indian Penal Code at Police Station Ghagga, District Patiala.

Learned counsel for the petitioner contends that FIR was registered against the unknown persons and the petitioner's name came up in the inquiry conducted by the investigating agency. Learned counsel further contends that as per allegations made in the FIR, two iron stands were stolen which were weighing about 40 to 50 kg, but those have already been recovered from the co-accused namely Tarsem Singh and Satnam Singh, who have already been granted regular bail by the trial Court vide order dated 11.10.2022. Learned counsel further contends that since the recovery has already been effected from the other co-accused, and nothing is to be recovered from the petitioner, who has clean antecedents with no other criminal case against him, his custodial interrogation is not required and he is ready to join the investigation.

Notice of motion.

Mr. Yadwinder Singh Bhangu, AAG Punjab, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report.

Adjourned to 11.09.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 from ASI Balwinder Singh 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 30.06.2023 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

12.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No