

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

212

CRM-M-31864-2023

Date of decision: 12.09.2023

Pargat Singh @ Pragat Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 20.07.2023, this Court had passed the following order:-

“CRM-28153-2023

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CRM-M-31864-2023

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.0040 dated 11.03.2023, registered under Sections 406, 420, 120-B IPC (Sections 467 and 468 added lateron) at Police Station Guhla, District Kaithal, Haryana.

Learned counsel contends that the amount of Rs.6 lac is stated to have been transferred in the joint account of co-accused Amritpal Singh as well as his mother Santosh Kumari. Insofar as the allegation against the petitioner is concerned, of having taken Rs.2 lacs from the complainant, regarding which there is no specific date or time mentioned. The assertions are majorly against both the above co-accused and Santosh Kumari has been granted anticipatory bail vide order dated 30.06.2023. There being no transcription of the calls allegedly exchanged between the petitioner, co-accused and the complainant, the same cannot be taken against him at this stage and is a matter of trial. The petitioner is ready to deposit an amount of Rs.1 lac

before the trial Court, subject to the outcome of the case. He is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 28.07.2023. 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.

The amount as stated by the learned counsel for the petitioner be deposited within a period of 10 days before the trial Court which will be kept in a fixed deposit and shall remain subject to outcome of the trial. However, in case the same is not deposited within the period specified and 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.

Adjourned to 12.09.2023.”

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 from SI Ram Kumar 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 20.07.2023 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.

12.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No