

2023:PHHC:111235

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

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CRM-M-32256-2023 (O&M)
Date of decision: 24.08.2023

Davinder Singh and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Surinder Garb, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Ashish Gupta, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 17.07.2023, 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.19 dated 25.05.2023, registered under Section 306 IPC at Police Station GRP Faridkot, District Faridkot.

Learned counsel contends that the petitioners have been falsely implicated in the case. The ingredients of Sections 107/306 are not made out. The driver of the train had stated that the deceased had himself laid down on the railway track. As per the opinion of the doctor also, the injuries on the person of the deceased cannot be ruled out to be caused by a train. The deceased had even participated in the marriage of petitioner No.2 as her brother, photographs of which have also been produced in Court, as such also the allegations leveled are contradictory. The petitioners are not involved in any other case. They are ready and willing to join investigation as and when required by the investigating agency.

The petitioners are directed to join the investigation on or before 24.07.2023. 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.

Adjourned to 24.08.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from ASI Tarlok Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 17.07.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

August 24, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No