

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

216

CRM-M-33067-2023

Date of decision: 29.08.2023

Sunder Pal

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parveen Kumar, Advocate for the petitioner.

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

AMAN CHAUDHARY, J.

1. On 13.07.2023, this Court had passed the following order:-

“The present petitions have been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in case FIR No.105 dated 29.05.2020, registered under Sections 307, 323, 148, 149, 325, 201 IPC and Section 25 and 54 of the Arms Act at Police Station Sanoli, District Panipat.

Learned counsel contends that there is no specific allegation levelled against the petitioners of having caused any injury. The fight had taken place between two groups wherein both the parties received injuries. The complainant Satish in his affidavit dated 29.05.2023 had deposed that due to misunderstanding, the FIR was got lodged and has no objection in case the petitioners are granted the concession of interim anticipatory bail as has been averred in para 7 of the petition. Co-accused, who are similarly placed as the petitioners, have been granted the concession of interim anticipatory bail vide orders dated 15.06.2023, 16.06.2023 and 05.06.2023, Annexures P-3 to P-5 respectively, while that of coaccused Randhir Singh alias Bablu has been confirmed vide order dated 09.05.2023, Annexure P-2. The petitioners are not involved in any other case and are 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, Additional AG Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 20.07.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the 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 29.08.2023. ”

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. Status report has been filed today in Court and same is taken on record. Learned State counsel on instructions from SI Krishan 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 13.07.2023 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.

29.08.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No