

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-33342-2023

Date of decision: 29.08.2023

Bikramjit Singh @ Vikram Gill

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rahul Garg, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 14.07.2023, 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 petitioner in case FIR No.35 dated 09.04.2023, registered under Sections 302 (later on converted into Section 304 IPC) 506, 148, 149 IPC at Police Station Kathunangal, District Amritsar.

Learned counsel submits that the petitioner was driver of the car that was hired by co-accused Pritam Singh for an amount of Rs.800/- and no overt act has been attributed to him. He is falsely implicated in this case, having no concern with the incident. Though initially, the FIR was registered under Section 302 IPC, however, the same was later on converted into Section 304 IPC. As per the PMR, the cause of death is stress and not any injury caused to him. Moreover, the complainant has compromised the matter only with the petitioner vide agreement dated 04.07.2023, Annexure P-2. He is not involved in any other case and 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. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Mr. Atinderpal Singh, Advocate has put in appearance on behalf of the complainant and affirms the factum of compromise having been effected between them.

Meanwhile, the petitioner is directed to join the investigation on or before 21.07.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that 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 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. Learned State counsel 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 14.07.2023 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