

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

213

CRM-M-34384-2023

Date of decision: 05.09.2023

Shami Kumar and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rahul Arora, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J

1. On 19.07.2023, 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.209 dated 25.05.2023, registered under Sections 324, 452 and 34 IPC (Section 307 IPC added later on vide Rapat No.22 dated 28.06.2023) at Police Station City Ferozepur, District Ferozepur.

Learned counsel submits that petitioner No.1 had disowned his son, co-accused Gagan, on 08.09.2021 after he came to know about his live in-relationship with the complainant, newspaper cutting regarding the same is annexed as Annexure P2. Petitioner No.2 is the younger brother of main accused Gagan, who has no concern whatsoever with the incident and is living separately from him. He has also joined a company as the delivery boy, appointment letter of which is annexed as Annexure P4. The petitioners have been implicated only on account of being related to the main accused and are not involved in any other case. They 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. Manipal Singh Attwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 26.07.2023. 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 05.09.2023. ”

2. Learned counsel submits that in pursuance of the aforementioned 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 Harnek 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 19.07.2023 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 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 them.

05.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No