

evidence which would connect the petitioner with the alleged offence. The present petitioner is implicated as accused on the basis of disclosure statement made by Harjeet Singh @ Gora while in police custody.

Per contra, the learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that his custodial interrogation is required and he is involved in three more cases of similar nature and other co-accused were not granted concession of anticipatory bail rather they were enlarged on regular bail.

In rebuttal, learned counsel for the petitioner contends that the petitioner is on bail in all these cases.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51*; *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137*; *Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565*, *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 24.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 08.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Dharamvir submits that in compliance of order dated 15.11.2023 passed by this Court,

the petitioner has joined the investigation and is not required for further custodial interrogation.

4. In view of the statement of learned State counsel, order dated 15.11.2023 is made absolute. The petitioner shall abide by the terms and conditions as enumerated in Section 438(2) of Cr.P.C.

5. Petition stands disposed of.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

08.12.2023
manoj

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>