

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

204

CRM-M-36039-2023

Date of decision: 03.11.2023

SUNNY

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. David Sardana, Advocate
Mr. Puneet Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. This Court had earlier on 12.05.2022, thus dismissed CRM-M-7968-2022 whereby the bail-petitioner had earlier motioned this Court for grant of anticipatory bail to him in the petition-FIR. The apposite order, as became made on the date (supra) becomes extracted hereinafter.

“Believing the statement, made at the bar, by the learned State counsel, that since the petitioner has been arrested in the FIR, other than the petition FIR, thereupon the instant petition claiming the indulgence of anticipatory bail, becomes rendered infructuous, and, is disposed of as such.”

2. Subsequently, the instant petition has been instituted before this Court with a relief therein, that the bail applicant be granted

the facility of anticipatory bail.

3. The learned State counsel submits, that the bail applicant who was earlier arrested by this Court, in the apposite FIR, has since been granted bail. Consequently, the re-institution of the instant petition before this Court, is a well constituted endeavour, as the earlier impediment against the granting of pre-arrest bail to the applicant, is no longer working qua the present bail petition.

4. The investigating officer S.I. Jaspal Singh, has appeared before this Court and has submitted, that the bail-applicant has rendered, the fullest co-operation to him in the latter making investigations, into the petition-FIR, besides submits that he has furnished the requisite personal and surety bonds.

5. Since he also submits that no recovery is to be effectuated at the instance of the present bail-petitioner, as the relevant recoveries have already been effected, at the instance of the co-accused concerned. Therefore, this Court does not deem it fit to order for custodial interrogation of the present bail petitioner.

6. Moreover, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

7. In aftermath, the instant petition is allowed, and, the order made by this Court on 29.09.2023, is made absolute subject to his rendering his co-operation to the investigating officer concerned, and,

his not influencing the prosecution witnesses, and, also his not tampering with the prosecution evidence besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

03.11.2023
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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