

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

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CRM-M-36414-2023 (O&M)

Date of decision: 11.09.2023

Jobanjeet Singh @ Jobi

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 28.07.2023, 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.8 dated 23.01.2023, registered under Sections 452, 323, 427, 148, 149 and 506 IPC (Section 326 IPC added lateron), at Police Station Khilchian, District Amritsar Rural.

Learned counsel for the petitioner contends that it is a case of version and cross-version as on the statement of the father of the co-accused Akashdeep Singh, an FIR had been lodged against the injured-Lovepreet in Rapat No.31 dated 25.01.2023, wherein Section 326 IPC had also been added lateron vide Rapat No.23 dated 18.02.2023. As per the FIR, attribution to the petitioner is on the head of injured-Loverpreet, which has been declared simple. The injury attracting Section 326 IPC is attributed to co-accused Akashdeep Singh and Varinder Singh. There is a delay of 11 days in lodging the FIR. Co-accused Sandeep and Akashdeep Singh have been granted interim anticipatory bail. The petitioner 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.

Meanwhile, the petitioner is directed to join the investigation on or before 04.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of 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 11.09.2023.”

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 on instructions from ASI Jasvir Singh 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 28.07.2023 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.

11.09.2023
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No