

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

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CRM-M-36323-2023
Date of decision: 05.09.2023

Vidhul Gupta and another ..Petitioners

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Nikhil Ghai, Advocate for the petitioners.
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 petitioners in case FIR No.115 dated 14.06.2023, registered under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC at Police Station City Sangrur, District Sangrur.

Learned Senior counsel contends that the agreement to sell entered into with one Bishamber Shah has been rescinded by the petitioner and his family on 13.07.2023 and civil suit filed by the aforesaid person for specific performance, also stands withdrawn. There is no loss suffered by the complainant on account of the aforesaid agreement to sell and the sale deed that had already been executed in his favour on 21.09.2021, remains unaffected. Further still, on instructions from the petitioners and Ved Parkash, he makes a statement that there will no interference, either in the title or the possession of the complainant with regard to the property in question, regarding which sale deed had been executed in favour of the complainant. The case is otherwise based on documentary evidence, which is already in possession of the police. The petitioners 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 Atwal, DAG Punjab accepts notice on behalf of respondent-State and Mr. Abhilaksh Grover, Advocate appears on behalf of complainant.

Meanwhile, the petitioners are directed to join the investigation on or before 04.08.2023. 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 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 28.07.2023 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 fail 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