

CRM-M-36346-2023

-2-

06.01.2023, registered at P.S. Joga, District Mansa, and on this fact the petitioner has been nominated as the accused in the present FIR (Annexure P-1).

4. Learned counsel for the petitioner categorically stated that the petitioner had neither demanded nor accepted any money from them. He further contends that in pursuance to the order dated 17.08.2023, passed by this Court, the petitioner has already joined the investigation. As such he prays for grant of anticipatory bail.

5. Learned counsel appearing on behalf of the complainant has opposed the bail application by arguing that the petitioner has been declared as proclaimed offender in case FIR No. 54 dated 01.04.2021, registered at P.S. City-2, Mansa. As such, he is not entitled for concession of anticipatory bail.

6. Learned State counsel, on instructions from H.C. Harpreet Singh, intimates that the petitioner has joined the investigation on 21.08.2023 and is neither required for further investigation nor for any custodial interrogation.

7. When confronted with the factum of being declared as proclaimed offender in case FIR No. 54 dated 01.04.2021, as submitted by learned counsel for the complainant, learned counsel for the petitioner has placed on record copy of the order dated 22.09.2023, passed by this Court in CRM-M-47833-2023, '*Gurcharan Singh vs. State of Punjab*', vide

CRM-M-36346-2023

-3-

which the impugned order dated 06.09.2023, declaring the petitioner as proclaimed offender, in case FIR No. 54 dated 01.04.2021, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City-2, Mansa, District Mansa, had already been set aside and the petitioner is granted the concession of bail.

8. After considering the rival contentions and considering the fact that the petitioner has already joined the investigation on 21.08.2023 and is no more required for further investigation nor any custodial interrogation, consequent to the order dated 17.08.2023 passed by this Court, interim bail granted vide order dated 17.08.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

10. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.10.2023
preeti

(SANJIV BERRY)
JUDGE

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No