

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208	CRM-M-38424-2023 Date of decision: 21.09.2023
Ajmer Singh	..Petitioner
Versus	
State of Punjab	..Respondent
	CRM-M-38454-2023
Rattandeep Modgil and another	..Petitioners
Versus	
State of Punjab	..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Varinder Basa, Advocate
for the petitioner in CRM-M-38424-2023.

Mr. Yaseen Sethi, Advocate
for the petitioners in CRM-M-38454-2023.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 07.08.2023, this Court had passed the following orders:-

“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.70 dated 17.09.2022, registered under Sections 324, 148 and 149 IPC (Section 307 IPC added later on) at Police Station Mehta, District Amritsar.

Learned counsel contends that there is a delay of two days in lodging the FIR. It is a case of version and cross-version, registered vide DDR No.14, dated 20.09.2022, under Sections 324, 323, 148 and 149 IPC (Section 326 IPC added later on) on the complaint made by petitioner-Ajmer Singh with allegations, of having received injuries at the hands of Rattandeep Modgil and Jaswant Singh. Parties have entered into a compromise on 06.02.2023 (Annexure P-3). The injury attribution of the petitioner is with the handle of a spade on the little finger of right hand and head of the complainant. The petitioner is not involved in any other case. He is ready and willing to join the 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 14.08.2023. In the event of arrest of the petitioner, 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 21.09.2023.”

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioners in case DDR No.14, dated 20.09.2022, registered under Sections 324, 323, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Mehta, District Amritsar.

Learned counsel contends that there is a delay of five days in lodging the FIR. It is a case of version and cross-version, recorded vide FIR No.70 dated 17.09.2022, under Sections 324, 148 and 149 IPC (Section 307 IPC added later on) lodged by the petitioners, while in the present case, they have been attributed injuries attracting offence under Section 326 IPC, however, compromise has been arrived at between the parties on 06.02.2023 (Annexure P-3). The petitioners are not involved in any other case. They are ready and willing to join the 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 petitioners are directed to join the investigation on or before 14.08.2023. 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 21.09.2023.”

2. Learned counsel submit that in pursuance of the afore-mentioned orders, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. They further submit that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions 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 any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petitions filed by the petitioners are allowed and the order dated 07.08.2023 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.

6. Photocopy of this order be placed on the connected file.

(AMAN CHAUDHARY)
JUDGE

21.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No