

S. No.208

2023:PHHC:132792

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

CRM-M-38185 of 2023

Date of Decision:12.10.2023

Gurdeep Choudhary

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Sukhmani Riar, Advocate and Mr. Shalini Singh,
Advocate for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Dharamvir Singh, PPS,
Deputy Superintendent of Police, Sub-Division Kharar-2 (Mullanpur), District
SAS Nagar, Mohali has been filed on behalf of the respondent- State.

On 04.08.2023, the following order was passed by this Court:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0059, dated 09.05.2023, registered at Police Station Mullanpur, District SAS Nagar, under Sections 382, 506 and 34 of IPC.

It is contended by learned counsel for the petitioner that FIR was lodged on the statement of one Manoj Aggarwal, as per which on 06.05.2023, 5 persons came to his shop. One person was wearing Punjab Police Uniform, having handcuffs and the others were in civil clothes, who by showing knife threatened the complainant and broke open the safe and took away ₹20,000/-.

As per FIR, the complainant could identify them, if produced before him.

It is further contended that the petitioner is not named in the FIR; and that this FIR has been lodged after three days of the incident on 09.05.2023. On the same day, another FIR No.80 was lodged at Police Station Mataur, District SAS Nagar, wherein co-accused Manjit Singh is alleged to have disclosed the name of the petitioner and others to be involved in the crime. Learned counsel contends further that the petitioner has been falsely implicated and that he is ready to join the investigation.

It is also contended that co-accused, namely, Manish Kumar @ Mani has already been granted interim anticipatory bail by this Court vide order dated 02.08.2023 passed in CRM-M-37426-2023.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 05.10.2023 for filing status report.

To be heard along with CRM-M-37426-2023.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C”

It is informed by learned State Counsel, on instructions from ASI Rakesh Kumar, that in compliance of the order dated 04.08.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 04.08.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 12, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No