

206 (2)

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

CRM-M-40230-2022
Date of Decision: 23.03.2023

Gaganeshwar Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sanjeev Kumar Arora, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Ravi Chadda, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is
for grant of anticipatory bail to the petitioner in case FIR No.122 dated
07.05.2022, under Sections 420 and 120-B of the Indian Penal Code, 1860,
registered at Police Station Division No.5, Ludhiana, District Ludhiana.

On 23.09.2022 the following order was passed by Co-ordinate
Bench of this Court :-

*“Today, at the very outset, both the learned counsel
representing the petitioner(s) have informed that they have
been unable to trace Bhawna.*

*While the learned counsel representing the petitioner
Pawan Kumar has expressed that his client is not willing to
deposit any amount, learned counsel representing the
petitioner Gaganeshwar Singh has, however, volunteered that
his client is willing to deposit an amount of Rs.6 lakhs before*

the Trial Court without prejudice to his rights to defend the case.

Notice of motion for 23.2.2023.

Meanwhile, in the event of arrest, the petitioner(s) be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitioner Gaganeshwar Singh, as per his offer made before this Court, shall deposit an amount of Rs.6 lakhs before the Trial Court/Illaq Magistrate within a period of 3 weeks from today. Upon deposit of such amount, the Trial Court/Illaq Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

A photocopy of this order be placed on the file of each connected case.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from Head Constable Barjinder Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 23.09.2022 passed by Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No