

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

209

CRM-M-38783-2023

Date of decision: 25.09.2023

Lovepreet Singh @ Labhu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Lalit Chander Sharma, Advocate for
Mr. B.D. Sharma, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 09.08.2023, 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 petitioner in case FIR No.12 dated 30.01.2021, registered under Sections 302, 364, 404, 120-B, 148 and 149 IPC (Section 404 IPC added later on) at Police Station Jhander, District Amritsar.

Learned counsel contends that the name of the petitioner surfaced based on the disclosure statements of co-accused Malkit Singh and Gurpreet Singh, who were the main accused, however, they have been acquitted by the Additional Sessions Judge, Amritsar vide judgment dated 31.03.2023 (Annexure P-2). The allegations against the petitioner are of having come in an Innova vehicle at the place, wherefrom the deceased was kidnapped. Similar were the allegations co-accused Shanti, who has been granted Anticipatory bail by this Court vide order dated 09.02.2023 (Annexure P-3). The petitioner 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 16.08.2023. In the event of his arrest, 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 25.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is 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 petition filed by the petitioner is allowed and the order dated 09.08.2023 granting interim bail to him, 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 petitioner fails 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 him.

(AMAN CHAUDHARY)
JUDGE

25.09.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No