

203 (1)

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

CRM-M-40922-2022
Date of Decision: 16.03.2023

Prince Sharda

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. C.K. Jangna, 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 in case FIR No.206 dated 03.08.2022 (Annexure P-1), under Sections 409 and 120-B of the Indian Penal Code, 1860 (offence under Section 420 of IPC added later on), registered at Police Station Gate Division No.8, Jalandhar.

On 22.09.2022 the following order was passed by a co-ordinate Bench of this Court :-

“Status report by way of an affidavit of Assistant Commissioner of Police, North Jalandhar has been filed on behalf of the respondent/State in Court today and the same is taken on record.

Learned counsel for the petitioner has stated that the petitioner is at parity with the other co-accused, namely, Lakshay Sharma, who has been granted interim anticipatory bail by this Court in CRM-M-41939-2022 on 14.09.2022.

The learned State counsel has not disputed with regard to the parity of the present petitioner with the aforesaid co-accused.

Adjourned to 16.03.2023.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C ”

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

Learned State counsel on instructions from ASI Jaswinder 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 22.09.2022 passed by the 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.

16.03.2023
Himani

(HARSH BUNGER)
JUDGE

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