

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-39196-2023 (O&M)
Date of decision: 27.09.2023

Vijay Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None

AMAN CHAUDHARY. J.

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. On 10.08.2023 and 29.08.2023, this Court had passed the following orders:-

10.08.2023

“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.43 dated 08.07.2023, registered under Sections 420 and 120-B IPC at Police Station Mehta, District Amritsar Rural.

Learned counsel contends that the allegations against the petitioner are that the trucks, the numbers of which have been mentioned in the FIR with allegations that the rice husk when weighed had less weight which was actually to be there, were not in his ownership. He has been falsely implicated on account of the fact that he is in similar business of transportation. 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 17.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditionals 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 27.09.2023.

29.08.2023

“Prayer in this application is for adding Section 408 IPC in the Head Note as well as in the prayer clause of the main petition.

Learned counsel for the applicant also prays that 07 days more time be given to the applicant to join the investigation as the applicant could not join the same on account of the fact that aforesaid section is not added in the main petition.

Notice in the application.

Ms. Himani Arora, AAG, Punjab, accepts notice and has no objection, in case, the application is allowed.

For the reasons stated in the application, the same is allowed and Section 408 IPC is ordered to be added in the Head Note as well as in the prayer clause of the main petition. The Registry is directed to carry out the necessary corrections. The applicant-petitioner is again directed to join the investigation on or before 05.09.2023 in view of order dated 10.08.2023.”

3. ASI Rajinder Pal appears in person and submits that the petitioner has joined the investigation 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 orders dated 10.08.2023 and 29.08.2023 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

September 27, 2023
M.Kamra

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