

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

208

CRM-M-41775-2022

Date of Decision : 10.03.2023

Sanjeev Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. A.S.Brar, Advocate for the petitioner.

Mr.Shiva Khurmi, Asstt. A.G., Punjab.

Mr. Anil Bansal, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 15.02.2023, the following order was passed :-

“Reply by way of affidavit of Gopal Singh, ACP, CAW & CCell, Ludhiana, District Police Commissionerate Ludhiana filed on behalf of respondent No.1-State is taken on record. Registry is directed to tag at appropriate place.

This Court vide order dated 13.09.2022 issued notice of motion and ordered that no coercive steps shall be taken against the petitioner.

Learned counsel for the petitioner submits that petitioner has not joined investigation because there was no order to join investigation, however, the petitioner is ready to join investigation.

Learned counsel for private respondent submits that it is not a case of simple cruelty punishable under Section 498A IPC whereas it is a case of misappropriation of funds and the petitioner has also committed other offences.

The State has registered FIR under Section

498A IPC and there is no direction to join investigation, though there is stay of arrest. The petitioner is directed to appear before Investigating Officer on 20.02.2023 and thereafter as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 10.03.2023.”

Learned State counsel on instructions from ASI Suresh Kumar submits that petitioner has joined investigation and no custodial interrogation is required.

In view of above facts and circumstances, the petition is allowed and order dated 15.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

10.03.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No