

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

206

**CRM-M-39966-2023
Date of decision: 09.10.2023**

Kala Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jagdish Singh Mahal, Advocate
for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. On 17.08.2023, 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.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 specific allegation in the FIR is of supplying less weight of rice husk in the truck, which does not belong to the petitioner. The clerk incharge of the weighing machine/kanda has named the petitioner that he also owns trucks and indulges in similar acts. However, learned counsel submits that the petitioner is not the owner of any truck, as mentioned in the FIR but is a middleman between the millers and transporters. He is not involved in any other case. 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. H.S. Sullar, Sr. DAG, Punjab., accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 25.08.2023. 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 above 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 from HC Harpal Singh 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 further 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 17.08.2023 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.

09.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

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