

203 (2)

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

CRM-M-41939-2022 (O&M)
Date of Decision: 16.03.2023

Lakshay Sharma and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Tanu Bedi, Advocate for
for the petitioners.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. C.K. Jangna, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

CRM-34339-2022

This is an application seeking exemption from filing certified/
true typed/ clear vernacular copies of Annexures and to place on record true
typed/photocopies.

Criminal Misc. Application is allowed as prayed for.

CRM-M-31768-2022

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, under
Sections 409 and 120-B of Indian Penal Code (offences under Section 420
IPC added later on), registered at Police Station Division No.8, Police

Commissionerate Jalandhar, District Jalandhar.

On 14.09.2022 the following order was passed by a co-ordinate

Bench of this Court :-

“The learned counsel for the petitioners has submitted that in the present case the petitioners although are the members of the Society but they have been falsely implicated. She has further submitted that it is not in one case but 3-4 more cases where the grant of Rs.10 lacs from the MLA/MP funds was received by the Society and the members of the Society are the same. She submitted that the petitioners are only the members of the Society and there is nothing on record to show that any benefit has gone to the account of the petitioners since even as per the FIR itself, some amount had gone to the account of one co-accused, namely, Anshuman Kalia. She also referred to another order passed by a co-ordinate Bench of this Court vide Annexure P-1 wherein in identical situation bail was granted to the similarly situated co-accused. She further submitted on specific instructions from the petitioners that the petitioners will not only join the investigation but will fully cooperate with the investigation process.

Notice of motion.

Mr. Amit Rana, Sr. Deputy A.G., Punjab accepts notice on behalf of the State of Punjab and prays for some time to seek instructions and to file affidavit.

Adjourned to 16.3.2023.

Meanwhile, the petitioners are directed to join the investigation and on their doing so, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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 petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from ASI Jaswinder Singh has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 14.09.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioners 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 petitioners fail 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 petitioners.

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