

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

206/3

CRM-M-42310-2022 (O&M)

Date of decision: 03.05.2023

GURJEET SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Dr. Naresh Kaushik, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

Mr. Abhilaksh Grover, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 15.09.2022, 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.0230, dated 22.7.2022, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station City Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner and he is not even the beneficiary of the alleged transfer of the land. He further submits that since, the dispute is *inter se* the real brothers, as alleged in the present FIR, there is a possibility of amicable settlement between the parties. He further submits that similarly placed other co-accused, namely Mukhtyar Singh, who had filed a petition for grant of anticipatory bail, has been granted interim protection vide order dated 18.8.2022, Annexure P-7. He also places reliance of order dated 8.9.2022, Annexure P-8, passed by this Court vide which, in the same FIR, other co-accused, namely, Mohan Lal and another, have also been granted interim protection. He further submits that the petitioner is ready and willing to join the investigation as and when called for and cooperate with the investigation.

Notice of motion.

At the asking of the Court, Mr.Gaurav Bansal, AAG, Haryana accepts notice on behalf of respondent-State.

At this stage, the learned counsel for the petitioner states in another case i.e. CRM-M-40912-2022, the parties have been directed to appear before the Mediation and Conciliation Centre of this Court on 19.9.2022.

Meanwhile, the petitioner is directed to join the investigation on or before 25.9.2022. In the event of arrest of the petitioner, she shall be released on interim bail to the satisfaction of the Arresting /Investigating Officer, subject to compliance of conditions under Section 438(2) Cr.P.C. He shall also appear to join the investigation as and when called by the Arresting/ Investigating Officer.

However, it is clarified that if the petitioner does not join the investigation as required by the Arresting/ Investigating Officer, this interim order shall be deemed to be vacated.

To be heard alongwith CRM-M-40912-2022 on 22.11.2022.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 19.9.2022.”

2. On 21.03.2023, this Court had passed the following order:-

“Dr. Naresh Kaushik, Advocate appears for the petitioners and prays for time as he has been recently engaged in this matter.

Learned State counsel on instructions from SI Pardeep Kumar submits that the petitioners are not cooperating with the investigating agency.

Faced with this, learned counsel for the petitioners submits that they are ready and willing to joining investigation once again and shall cooperate with the investigating agency.

The petitioners are directed to join the investigation on or before 28.03.2023. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do 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 19.04.2023.

A photocopy of this order be placed on the files of connected cases.”

3. Learned counsel submits that in pursuance of the aforesaid orders, 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.

4. Learned State counsel on instructions from SI Raj Kumar affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. 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 15.09.2022 and 21.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

03.05.2023
S.Sharma(syr)

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