

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

210

CRM-M-42229-2023**Date of decision: 09.10.2023**

Jaswinder Singh @ Kaka

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY*********

Present : Mr. S. K. Bokolia, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Surinder Garg, Advocate
for the complainant.

***********AMAN CHAUDHARY. J.**

1. On 25.08.2023, 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.107 dated 23.06.2023, registered under Section 306 IPC at Police Station Baghapurana, District Moga.

Learned counsel submits that the complainant has levelled general allegations against 11 persons, with whom son of the deceased had allegedly monetary dealings and that the petitioner as well as others used to visit the house of the complainant to demand money. There is neither a specific date nor time of it mentioned to show any proximity with the alleged suicide had taken place. The ingredients of Sections 107 and 306 IPC are not made out. Similarly circumstanced, Co-accused Komal @ Komal Bansal, Gagan Chadda @ Gagandeep Singh @ Gaggi and Rinku Kumar have been granted interim anticipatory bail by this Court vide orders dated 21.08.2023 and 02.08.2023 respectively. Though, there

is one more case against the petitioner, however, he is on interim anticipatory bail in it. The petitioner is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

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 01.09.2023. 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 09.10.2023.”

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 Harjit 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 25.08.2023 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