

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

214

CRM-M- 43053-2023 (O&M)

Date of decision: 03.10.2023

Gurnam Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. H.K. Aurora, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Sandeep Kumar, Advocate for

Mr. R.K. Agnihotri, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. On 31.08.2023, 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.47 dated 17.03.2023, registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Division No.6, District Jalandhar.

Learned counsel contends that there is a compromise that has been arrived at between the parties, based on which a petition bearing CRM-M-42336- 2023 for quashing of FIR has also been filed, in which vide order dated 25.08.2023, the parties parties were directed to record their statements. There is no other case registered against the petitioner. He 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, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State. Mr. R.K. Ahnihotri, Advocate accepts notice on behalf of respondent No.2 and affirms the factum of compromise and has no objection to grant anticipatory bail to the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 11.09.2023 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 03.10.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 ASI Dilbagh 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 31.08.2023 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.

(AMAN CHAUDHARY)
JUDGE

October 03, 2023

M.Kamra

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