

2023:PHHC:102106

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

280

CRM-M-45603-2022 (O&M)
Date of decision: 08.08.2023

Narinder Kumar alias Bhinder

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankur Malik and Mr. Zenith Dogra, Advocates for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 30.11.2022, this Court had passed the following order:-

“xx xx xx

At the outset, learned counsel for the petitioner submitted that the compromise has been arrived at between the complainant namely Amit Kumar and the present petitioner vide Annexure P-5.

Learned counsel for the petitioner also submitted that the petitioner was earlier involved in two more cases but he has been acquitted in both the cases as per the affidavit filed by the State.

Learned State counsel has not disputed the aforesaid position that the petitioner has been acquitted in the other two cases. He has submitted that so far as the factum of compromise with the complainant is concerned, he is not aware of the same.

At this stage, learned counsel for the petitioner has made an oral request for impleading the complainant as respondent No.2 in array of parties in the present case.

Learned State counsel states that he has no objection in case the complainant is impleaded as party in the present case.

Therefore, the complainant, namely, Amit Kumar S/o Mohan lal R/o H.No. 2715 Mohalla Phool Chakar Rupnagar Tehsil Rupnagar is hereby impleaded as respondent No.2.

Registry is directed to carry out necessary correction in the memo of parties.

Let notice be issued to respondent No.2 for 08.02.2023.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on

interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.”

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 Khushal 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 30.11.2022 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

August 08, 2023
M.Kamra

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