

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

206

CRM-M-50103-2021

Date of Decision: 09.01.2023

Jagbir Singh @ Binta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Rakesh Nehra, Sr. Advocate with
Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

Ms. Harpreet Kaur, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.0047, dated 02.04.2021, registered at Police Station Sardulgarh, District Mansa, under Sections 376 and 506 IPC.

This Court vide order dated 01.08.2022 granted interim protection to the petitioner. The relevant extracts of which read as:

“In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation before the Investigating Agency/ Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- (iii) That the petitioner shall not leave India without prior permission of the court.”

Mr. Nehra, learned counsel for the petitioner would submit that the petitioner has joined the investigation and fully cooperated the Investigating Officer.

Learned counsel for the State, on instructions from HC Sukhpal Singh submits that petitioner has joined investigation and his presence, at this stage, is no more required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 01.08.2022 is made absolute subject to the conditions envisaged under Section 438 (2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

09.01.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No