

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-46994-2022

Date of decision: 28.08.2023

Harvinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.221 dated 11.09.2022 under Sections 407, 34 of the IPC (Sections 473, 120-B of the IPC added lateron) registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. On 13.12.2022, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner has submitted that in the present case the allegations were that the consignment was not delivered on time and as per the allegations he had sold the consignment to some other person on the way. He submitted that the prayer in the present petition is for grant of anticipatory bail and the recovery has already been effected and the petitioner is ready and willing to join investigation and to cooperate with the investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 13.12.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, however, submits that the petitioner has not fully cooperated inasmuch as he has failed to reveal the whereabouts of co-accused Shinda, who is his relative, and hence his custodial interrogation would be required.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Merely because the petitioner has failed to reveal the whereabouts of co-accused, cannot be a ground to deny him the concession of anticipatory bail. Once the petitioner has joined investigation and cooperated with the police with respect to the role attributed to him in the crime in question, this Court would not be inclined to deny the concession of bail to him.

7. Accordingly, the petition is allowed and interim order dated 13.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

28.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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