

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

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CRM-M-49928-2022 (O&M)

Date of decision: 29.03.2023

NAVEEN KUMAR ALIAS BHOLU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arnav Sood, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.07 dated 18.01.2021, under Sections 323, 427, 452, 336, 506, 148, 149 of the Indian Penal Code, 1860 and Sections 25 of the Arms Act and Section 201 IPC added later on registered at Police Station Sadar Nawanshahar District SBS Nagar.

On 29.10.2022, this Court had passed the following order:-

The petitioner herein seeks the relief of anticipatory bail in the criminal case arisen out of the FIR bearing No.0007 dated 18.01.2021 registered at Police Station Sadar Nawanshahar, District S.B.S. Nagar, under Sections 323, 427, 452, 336, 506, 148, 149 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely roped as an accused in the subject FIR whereas he had no role to play in the alleged crime and even as per the allegations as levelled by the informant in the FIR, the petitioner was carrying a 'datar' in his hand at the relevant time and thus, it is explicit that he did not participate in the alleged firing of the shots by the accused

party and moreover, he (petitioner) is not involved in any other criminal case of the similar nature and is also ready to join in the investigation as and when so required.

Notice of motion.

Ms. Ramta Chowdhary, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. She seeks time to get proper and complete instructions in this matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 10.02.2023.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in pursuance of order dated 29.10.2022 of this Court, the petitioner has not only joined investigation but has 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.

Learned State counsel on instructions from ASI Vijay Kumar affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

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 29.10.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

March 29, 2023

S.Sharma(syr)

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