

CRM-M-48037-2023
Date of decision: 21.11.2023

....Petitioner.

Versus

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Harshit Jain, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0077	06.10.2022	336, 506 IPC (Sections 25 and 27 of the Arms Act added later on)	P.S. Cheema, District Sangrur.

2. Learned counsel for the petitioner submits that in compliance to the order dated 22.09.2023, the petitioner has joined the investigation.

The said order is reproduced below: -

“Notice of motion.

On advance service of copy of petition, learned State counsel accepts notice on behalf of respondent-State of Punjab and seeks time to file status report.

Adjourned to 21.11.2023.

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In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438

(2) Cr.P.C.

3. Learned State counsel on instructions from ASI Rajinder Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

4. Learned counsel for the complainant has pointed out that the petitioner is involved in a serious crime and should not be granted the concession of bail . He further admitted that earlier FIR No. 99 dated 22.09.2020 was also got registered against the petitioner at P.S. Cheema, District Sangrur, at the behest of the complainant, wherein the cross version was also registered and that the complainant is facing trial in the cross-version, which is still pending although the FIR has been cancelled.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 22.09.2023 passed by this Court, coupled with the delay of 18 days in lodging of the instant FIR, interim bail granted vide order dated 22.09.2023 is hereby confirmed, subject to

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conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.11.2023
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No