

206

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

**CRM-M-52153-2022
Date of Decision: 24.02.2023**

Amanpreet

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vishnu Dutt, Advocate for
Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.158 dated 08.10.2022, registered under Sections 304 and 34 of the Indian Penal Code, 1860, registered at Police Station Division No.3, District Ludhiana.

On 14.11.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.158 dated 08.10.2022, registered at Police Station Division No.3, District Ludhiana, under Sections 304 and 34 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not present at the spot at the time of the alleged occurrence; that the abovenoted FIR was registered

against some unknown persons; that the petitioner has been indicted in the present case on the disclosure statement of coaccused, Partap, and that there was no injury on the person of the deceased and rather, he had died of brain hemorrhage.

Notice of motion for 24.02.2023.

Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C. However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Kulwinder Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 14.11.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an

above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

24.02.2023
Himani

(HARSH BUNGER)
JUDGE

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