

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-52421-2022 (O&M)

Date of decision: 28.03.2023

BISHAN DASS

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anil Kumar Garg, 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.0154 dated 10.09.2020, under Sections 307, 323, 353, 186, 341, 427, 148, 149, 506 of the Indian Penal Code, 1860 registered at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

On 15.11.2022, this Court had passed the following order:-

“It has been submitted by the learned counsel for the petitioner that the petitioner is at parity with the other co-accused namely, Pooja Rani and Sunil Kumar @ Sheela who have been granted interim anticipatory bail by this Court in CRM-M-34792-2020 because no specific role has been attributable to the petitioners. He submitted that although anticipatory bail of other co-accused namely, Harbans Singh and Sunny Kumar was dismissed by this Court in CRM-M-38307-2020 but so far as the present petitioner is concerned, the aforesaid order will not be applicable to the present case because in that case specific role was attributable to those petitioners and that was the reason as to why the anticipatory bail was dismissed by this Court.

Notice of motion.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab accepts notice on behalf of the State of Punjab and prays for some time to file an affidavit.

Adjourned to 28.03.2023.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in pursuance of order dated 15.11.2022, 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 Ranjit Singh 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 15.11.2022 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 28, 2023

M.Kamra

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