

2023:PHHC:149462

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

239

CRM-M-50508-2023 (O&M)
Date of decision: 23.11.2023

Komalpreet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Brar, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. K.B.S. Mann, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 06.10.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.179 dated 19.12.2022, registered under Sections 447, 427, 379 and 34 IPC at Police Station Nehianwala, District Bathinda.

Learned counsel contends that the petitioner has been falsely implicated in the case which relates to land dispute between his family and that of the complainant, as it also emerges from the FIR, wherein, a suit for permanent injunction has been filed by his father, in which, status quo has already been granted. The present FIR is also a counter blast to FIR No.74, dated 24.08.2019 was registered under Sections 307, 326, 325, 324, 323, 427, 341, 148 and 149 IPC at Police Station Nehianwala, District Bathinda lodged against the complainant. Co-accused i.e. father of the petitioner was granted anticipatory bail by this Court vide order dated 26.05.2023, Annexure P-4. The petitioner and his father had also compensated the complainant by paying an amount of Rs.25,000/-, as is reflected in the order dated 19.05.2023 passed in CRM-M-662-2023. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.

Adjourned to 23.11.2023.

Meanwhile, the petitioner is directed to join the investigation on or before 31.10.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but 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.
3. Learned State counsel on instructions from ASI Kashmir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. 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 06.10.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

November 23, 2023

M.Kamra

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