

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

262

CRM-M-55009-2022 (O&M)

Date of decision: 24.05.2023

Gagandeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. T.S. Grewal, Advocate for the petitioner

Mr. Jashanpreet Singh, DAG Punjab

AMAN CHAUDHARY. J.

1. On 29.11.2022, 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.180 dated 31.08.2022, registered under Sections 307, 323, 341, 506 and 34 of the Indian Penal Code at Police Station Sadar Dhuri, District Sangrur, Punjab.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor was his name disclosed by the main accused Beant Singh in his disclosure statement wherein he had named co-accused Harpreet who had also in his disclosure statement referred to two more persons who are Harjinder and Amritpal and the petitioner was named even thereafter. It is his further submission that the alleged motive was with the main accused but not with the petitioner. There is no call record with regard to his being in conversation with the main accused Beant Singh. He submits that all other co-accused are already in custody. He submits that petitioner has no criminal antecedents. He further submits that petitioner he is ready and willing to join the investigation.

Notice of motion for 02.02.2023.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 02.12.2022. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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 aforesaid order, the petitioner has not only joined investigation but also handed over the motorcycle as was required by 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 SI Malkeet 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 29.11.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.
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

24.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No