

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

**CRM-M-55542-2022
Date of Decision: 16.01.2023**

Gurmail Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Anil K.Sohal, Advocate for
Ms. Jigyasa Tanwar, Advocate
for the petitioners.

Mr. Vinay K.Gupta, AAG, Punjab
for the respondent/State.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.278 dated 02.11.2022 (Annexure P-1), under Section 420 IPC read with Section 34 IPC, registered at Police Station Jamalpur, Ludhiana.

On 01.12.2022, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners in case FIR No.278 dated 02.11.2022 (Annexure P-1), under Section 420 read with Section 34 of Indian Penal Code, 1860, registered at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioners submits that both

the petitioners are senior citizens of around 80 years of age and they have been falsely implicated in the present case. Learned counsel submits that the petitioners had no intention to cheat the complainant rather they requested the complainant to take back the amount and get the agreement cancelled, however, the complainant has refused the said request of the petitioners. It is also contended that the petitioners are ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Vinay K.Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent/State.

At this stage, Mr. Ankur Singla, Advocate appears and files Vakalatnama on behalf of the complainant.

Learned counsel for the petitioners is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 16.01.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, petitioners have joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Gurcharan Singh, has not disputed the aforesaid fact of joining the investigation by petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their

custodial interrogation is not required at this stage, the present petition is allowed and *ad-interim* order dated 01.12.2022, passed by this Court, is made absolute.

However, the petitioners 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 petitioners fail to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Present petition is accordingly disposed of.

16.01.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No