

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arjunveer Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.368 dated 22.08.2022 registered under Sections 419/420/465/466/467/468/471/177/120-B of Indian Penal Code at Police Station City Barnala, District Barnala.

2. On 23.10.2023, following order was passed:

“Prayer in instant petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No. 368, dated 22.08.2022, registered under Sections 419, 420, 465, 466, 467, 468, 471, 177, 120 B IPC at Police Station City Barnala, District Barnala.

2. *Learned counsel for the petitioner, inter alia, submits that the petitioner has not been named in the FIR, however, he sought to be nominated as an accused only on the basis of disclosure statement made by co-accused which is inadmissible in law. Learned counsel further submits that the bail application moved by the petitioners under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Barnala, vide its order dated 16.10.2023 (Annexure P-5). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.*

3. *Notice of motion.*

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4. *On the asking of the Court, Mr. Vipin Pal Yadav, Additional A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent/State. Learned State counsel opposes the petitioner's plea for bail on the ground of seriousness of offence. Learned State counsel seeks a short accommodation to file status report in this case.*
5. *List on 14.12.2023.*
6. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.*
7. *A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.*
8. *Status report be filed before next date of hearing with an advance copy thereof to counsel opposite."*

3. Learned State counsel on instructions from SI Gurjant Singh, submits that in compliance of order dated 23.10.2023 passed by this Court, the petitioner has joined the investigation on 25.11.2023 and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 23.10.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly allowed.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

December 14, 2023
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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |