

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

211

CRM-M-58507-2022 (O&M)

Date of decision: 29.03.2023

MANJINDER SINGH AND ANR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Mallika Kapur, Advocate for
Mr. Sarju Puri, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Parvinder Singh, Advocate for the complainant.

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.217 dated 26.11.2022, under Section 452, 323, 506, 148, 149 and 120-B of the Indian Penal Code, 1860 registered at Police Station Garhshankar District Hoshiarpur.

On 13.02.2023, 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.217 dated 26.11.2022, registered under Sections 452, 323, 506, 148, 149 and 120-B IPC at Police Station Garshankar, District Hoshiarpur.

Learned counsel for the petitioners submits that as per instructions, the petitioner as well as complainant along with their children are residing together after their custody was handed over to the mother.

Learned counsel for the complainant affirms the aforesaid factum only of custody of minor children.

Learned counsel submits that the petitioners are ready and willing to join investigation as and when required by the investigating agency, learned counsel for the complainant gives his no objection, if, anticipatory bail is granted to the petitioners.

The petitioners are directed to join the investigation on or before 17.02.2023. In the event of arrest of the petitioners, they 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 petitioners do 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.

Adjourned to 29.03.2023.”

Learned counsel for the petitioners submits that in pursuance of order dated 13.02.2023, of this Court, the petitioners have not only joined investigation but have also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

Learned counsel for the petitioner and the complainant submit that now petitioner No.1 and the complainant are residing together with their children.

Learned State counsel on instructions from ASI Kailash Chander affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 13.02.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

March 29, 2023

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>