

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219 (III)

CRM-M-58431-2022 (O&M)
Date of decision: 07.02.2023

MANJIT SINGH @ GAGGU AND ANOTHER

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Chopra, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Sarju Puri, 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.0186 dated 15.11.2022, under Section 306 of the Indian Penal Code, 1860 registered at Police Station Machhiwara District Khanna.

This Court passed the following order on 15.12.2022:-

“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.186 dated 15.11.2022, registered under Section 306 IPC at Police Station Machhiwara, Police District Khanna.

Learned counsel for the petitioners contends that wives of the petitioners are Panchs and have been granted interim anticipatory bail. Learned counsel contends that the petitioners have been falsely implicated in the case on the ground of their

wives being the Panchs, who having been also implicated have been granted interim anticipatory bail. The petitioners have no concern inasmuch as the allegations are concerned, which are even otherwise general in nature with no specific date, thus the ingredients of alleged offence are not made out against the petitioners. They are ready and willing to join investigation and shall co-operate.

Notice of motion for 30.01.2023.

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

Meanwhile, the petitioners are directed to join the investigation on or before 19.12.2022. 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.”

Learned counsel for the petitioners submits that in pursuance of order dated 15.12.2022, 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 State counsel on instructions from ASI Avtar Chand 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 15.12.2022 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

February 07, 2023

M.Kamra/S.Sharma(syr)

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