

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

**CRM-M-59020-2022
Date of Decision: 03.02.2023**

Mehakpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prashant Bansal, Advocate for
Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

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.91 dated 14.11.2022, under Sections 379, 411 and 482 IPC, registered at Police Station Lambra, Jalandhar.

On 16.12.2022, 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 petitioner, in case FIR No.91 dated 14.11.2022, registered under Section 379, 411 and 482 of the Indian Penal Code, at Police Station Lambra, Jalandhar.

Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has falsely been implicated

in the present case on the basis of disclosure statement of main accused-Maninder Singh @ Kalsi. Learned counsel also submits that the allegations levelled in the FIR are totally false and nothing is to be recovered from the petitioner. It is submitted that main accused-Maninder Singh @ Kalsi has been granted regular bail by the Judicial Magistrate Ist Class, Jalandhar, whereas, the pre-arrest bail applied by the petitioner has wrongly been dismissed by the learned Sessions Judge, Jalandhar, vide order dated 02.12.2022 (Annexure P-3). Learned counsel further submits that the petitioner is not involved in any other case except one i.e. FIR No.330 dated 03.12.2020 registered at Police Station Basti Bawa Khel under Sections 323, 324 and 427 read with Section 34 of the Indian Penal Code, in which, the matter has been compromised the quashing petition bearing CRM-M-14147-2021 is pending before this Court. Learned counsel 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/trial Court.

Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

Keeping in view the fact that no recovery was effected from the petitioner and his name had figured in a disclosure statement of accused Maninder Singh @ Kalsi; coupled with the fact that the main accused namely, Maninder Singh @ Kalsi has already been granted regular bail, this Court is inclined to grant interim bail to the petitioner.

List on 03.02.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However,

he 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.

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.”

Learned State counsel, on instructions from Assistant Sub Inspector Narender Singh, submits that the petitioner has not joined the investigation in terms of the aforesaid order dated 16.12.2022.

Learned counsel for the petitioner pleads no instructions.

In view of the above, the present petition is dismissed for non-compliance of order dated 16.12.2022, passed by this Court, by the petitioner.

Needless to say that order dated 16.12.2022, granting the concession of *ad interim* bail to the petitioner, stands vacated.

03.02.2023

Apurva

(HARSH BUNGER)
JUDGE

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