

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

201-2

CRM-M-60115-2022

Date of Decision: 14.02.2023

Jaspinder Singh Cheema

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.H.S.Bajwa Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 23.12.2022, the following order was passed :-

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.38 dated 10.03.2015, under Section 306 of I.P.C, registered at Police Station Phase-I, Mohali, District SAS Nagar.

The occurrence in question has taken place on 10.03.2015, thereafter the petitioner has filed anticipatory bail before the Learned Addl. Sessions Judge, SAS Nagar, Mohali, and his prayer was rejected vide order dated 21.11.2022. Aggrieved by the same, the petitioner has approached this Court praying for grant of anticipatory bail.

Learned counsel for the petitioner contends that co-accused Rajiv Kumar was already granted interim bail by this court vide order dated

13.12.2021 passed in CRM-M-27531-2019, which was later on confirmed vide order dated 23.3.2022. A perusal of the record shows that there are three FIRs pending between the parties i.e. FIR No.21 dated 05.02.2015 under Section 306 of IPC and FIR No.38 dated 10.03.2015 under Section 306 of IPC (FIR in question) and FIR No.14 dated 28.01.2015 under Section 365 of IPC.

Notice of motion.

On the asking of the court, Ms.Ishma Randhawa, Additional Advocate General, Punjab accepts notice on behalf of respondent State.

List on 14.02.2023.

To be heard alongwith CRM-M-46711-2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the Court.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Sohan Lal submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

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.

(JAGMOHAN BANSAL)
JUDGE

14.02.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>