

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

204-I

Criminal Misc. No. M-59742 of 2022

Date of decision :-13.10.2023

Nirmal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab
assisted by ASI Daljeet Singh.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.166 dated 18.9.2022, under Sections 452, 354, 380, 427, 506, 148, 149 IPC (Section 411 IPC added later on), registered at Police Station Gharinda, District Amritsar Rural.

On 21.12.2022, this Court had passed the following order

:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No. 166 dated 18.09.2022, registered for offences under Sections 452, 354, 380, 427, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Gharinda, District Amritsar Rural, Annexure P-1.

Counsel for the petitioner submits that FIR, Annexure P-1, which is lodged after the delay of 8

days, is counter-blast to the complaint, Annexure P-2, submitted by the petitioner regarding the misdeeds of the complainant and her son, Vishal Malhotra, who is a depot holder of Village Neshta, Attari, District Amritsar. He submits that there is no allegation attracting Section 354, IPC, and complainant's -son, Vishal Malhotra, has not been medically examined.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of the respondent-State. Mr. Rajinder Partap, Advocate has put in appearance on behalf of the complainant. Upon instructions from ASI, Rasal, State counsel submits that the ticket machine has been recovered from the accused.

List on 29.03.2023.

Petitioner is directed to appear before the Investigating Officer on 06.01.2023 at 10.00 A.M. at Police Station Gharinda, District Amritsar Rural, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Daljeet Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 21.12.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 13, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No