

2023:PHHC:059780

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

213

CRM-M-60462-2022 (O&M)
Date of decision: 27.04.2023

HARPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunny Kumar Singla, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 25.01.2023, 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. 109 dated 12.10.2022, registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Urban Estate, District Patiala.

Learned counsel for the petitioner contends that the allegation against the petitioner is that one Prince Kumar had sold the car to Harpreet and Harinder Pal had come in that car and duped the complainant on pretext to sending him abroad. Co-accused Harinder Pal had cheated the complainant in the name of Jaibu, who had called the complainant to hand over the amount to Harinder Pal Singh at Gopal Sweets. The allegation against the petitioner is that the car used by Harinder Pal belongs to the petitioner. He submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 02.03.2023.

At the asking of the Court, Mr. Kamalpreet Bawa, AAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 31.01.2023. In the event of arrest of the petitioner, he 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 petitioner does 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.”

2. Learned counsel for the petitioner submits that in pursuance to the

directions passed by this Court to appear before the Mediation and Conciliation Centre of this Court, the petitioner had appeared on 3 dates as given by the Mediator. However, on none of the dates, the complainant had appeared. He further submits that in pursuance of aforesaid order dated 25.01.2023 of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Rajinder Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 25.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails 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 him.

(AMAN CHAUDHARY)
JUDGE

April 27, 2023

M.Kamra

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No