

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

CRM-M-3860-2024

Date of Decision : 22.04.2024

**GOBIND SINGH @ GOBINDA SINGH @ RANA
AND ANOTHER**

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. K.S.Brar, Advocate,
for the petitioners.

Mr.Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 24.01.2024, the following order was passed by this

Court:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioners in case FIR No.109 dated 31.12.2023, under Sections 452, 341, 323, 506, 427, 148 and 149 of IPC, registered at Police Station Bajakhana, District Faridkot.

The petitioner had earlier approached to the learned Sessions Court concerned for grant of pre-arrest bail, wherein, during the pendency of the application (supra), the learned Additional Sessions Judge, concerned had directed the petitioner to join the investigation. Though the petitioner has joined the investigation, however, he failed to co-operate with the investigating agency, which led the learned Additional Sessions Judge, concerned to pass order of dismissal of application with the following observations:-

“(7) Having regard to these circumstances, the applicants have joined the investigation in pursuance of notice under Section 41-A Cr.P.C. and in case their custodial interrogation is required, the police shall move learned Ilaqa Magistrate under Section 41-A(4) Cr.P.C. No ground is made out to grant anticipatory bail to the applicants. Consequently, the bail application is dismissed. (8) Nothing said hereunder this order shall be construed as a final expression over the merits of the case and these observations are relevant for disposal of application in hand only.”

Today, the learned counsel for the petitioner submits that he has still apprehension that he may be arrested as the police is raiding his house.

Mr. Digvijay Nagpal, AAG, Punjab, who is on an advance notice, submits that the custodial interrogation of the petitioner is required, as he has not surrendered the weapon of offence, which was used in the commission of crime.

Faced with the above difficulty, the learned counsel for the petitioner submits that he is ready and willing to surrender the weapon of offence and co-operate with the investigating agency.

Notice of motion for 22.4.2024.

Mr. Digvijay Nagpal, AAG, Punjab, waives service on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Learned State counsel, on instructions imparted to him by ASI Chamkaur Singh, submits that the petitioners have already joined the investigation in pursuance to the aforesaid order, and they have fully co-operated with the investigation process, and are no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 24.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

April 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No