

**CRM-M-5876-2024**  
**Date of decision: 11.03.2024**

**...PETITIONER**

V/S

## ...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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**HARPREET SINGH BRAR J. (ORAL)**

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.154 dated 07.08.2021 registered under Sections 457, 380, 411 of IPC at Police Station Dhuri, District Sangrur.

2. On 05.02.2024, following order was passed:

*“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.154 dated 07.08.2021 registered under Sections 457, 380, 411 IPC at Police Station Sadar Dhuri, District Sangrur.*

*Learned counsel for the petitioner, inter alia, contends that initially the FIR was lodged against unknown persons, however, later on, a supplementary statement was made by the complainant on 20.09.2021 wherein name of the petitioner was mentioned. It is further contended that investigating agency has already concluded the investigation and filed the final report under Section 173 Cr.P.C. against the other accused. The investigating agency never sought the custodial interrogation of the petitioner and now the learned trial Court has issued non-bailable warrants on the request of the investigating agency. There are no specific allegations against him.*

*Notice of motion.*

*On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 12.02.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 11.03.2024.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."*

3. Learned State counsel, on instructions from ASI Gurdeep Singh, submits that in compliance of order dated 05.02.2024, passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 05.02.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly allowed.

6. 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.

March 11, 2024  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |