

CRM-M-11955-2024
Date of decision: 21.03.2024

....Petitioner.

Versus

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Harpreet Singh, Addl. AG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
215	22.10.2023	379 IPC and 21(1) of Mines and Minerals Act 1957	Ajnala, District Amritsar Rural

2. Learned counsel for the petitioner submits that in compliance to the order dated 07.03.2024, the petitioner has joined the investigation.

3. During the course of hearing on 07.03.2024, following order has been passed: -

‘Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was granted concession of interim bail vide order dated 22.12.2023 by the Court of learned Additional Sessions Judge, Amritsar (Annexure P-2) and the case was adjourned to 02.01.2024 but on that date, learned counsel for the petitioner did not appear in Court nor the counsel communicated to the petitioner regarding joining of investigation. As a result, the bail application was dismissed due to non-joining of investigation. He submits that the non-joining of investigation was due to mis-communication on part of the counsel representing the petitioner in the Court of learned Additional Sessions Judge, Amritsar, and was not intentional. The petitioner has no other criminal case and is ready to join the investigation as the recovery has already been effected at the spot.

3. Notice of motion.

4. On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, present in Court, accepts notice on behalf of the State-respondent and has not disputed the factual matrix. He submits that the petitioner is not facing any other criminal case and seeks time to file reply/status report in the matter.

5. Adjourned to 21.03.2024.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite.

7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting

Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.’

4. Learned State counsel on instructions from ASI Bhupinder Singh, P.S. Anjala, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 07.03.2024 passed by this Court, interim bail granted vide order dated 07.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.03.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |