



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-14898-2023

Date of Decision : **July 24, 2024**

KOMAL SHARMA

.....Petitioner

**VERSUS**

STATE OF PUNJAB AND ANOTHER

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Nishant Indal, Advocate for  
Mr. Karan Sachdeva, Advocate  
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. Saurabh Goel, Sr. Panel Counsel  
for respondent No.2.

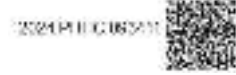
**KULDEEP TIWARI, J. (Oral)**

1. On 26.5.2023, the following order was passed by a co-ordinate

Bench of this Court:-

*“Learned counsel for respondent No.2 has submitted that though the petitioner on earlier occasion has joined investigation but he never cooperated with the investigating agency. He submits that this Court vide order dated 24.03.2023 granted the interim protection to the petitioner by directing that no coercive action be taken. He submits that respondent-department issued the summons to the petitioner dated 06.04.2023 directing him to appear before the investigating agency on 13.04.2023 but the petitioner in the garb of the interim order granted did not appear before the investigating agency.*

*Learned counsel for the petitioner fairly submits that the petitioner is ready to join investigation.*



*In view of the submissions made, it is apparent that the investigation in any manner would not be allowed to be scuttled and hence, the interim order dated 24.03.2023 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Superintendent (ASU) Customs/Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Superintendent (ASU) Customs/Investigating Agency/Officer on **29.05.2023 at 10:00 AM**. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-*

*(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*

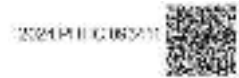
*(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*

*(3) That the petitioner shall not leave India without prior permission of the court.*

*The respondent would file status report after joining the petitioner investigation.*

*List on 12.07.2023.”*

2. Today, the learned Sr. Panel counsel for respondent No.2 on instructions imparted to him by the quarter concerned, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation. He further submits that the competent authority is going to file final report in this regard.



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3. In view of the specific stand taken by the learned counsel for the respondent-complainant, the present petition is **allowed** and order dated 26.5.2023 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 24, 2024  
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(KULDEEP TIWARI)  
JUDGE

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