



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

202

CRM-M-14700-2024
Date of Decision: 24.05.2024

MOHIT LATHWAL

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab assisted by
S.I. Gurpreet Kaur, P.S. Anaj Mandi, Patiala.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.240, dated 16.09.2021 under Sections 420, 465, 468, 471, 120-B and 409 of the Indian Penal Code, 1860 read with Sections 66 and 66-D of Information and Technology (Amendment) Act, 2008 registered at Police Station Anaj Mandi, Patiala, District Patiala.

Status report by way of an affidavit of Jangjit Singh, PPS, Deputy Superintendent of Police, City-2, District Patiala has been filed today. Same is taken on record. The version put forth by the respondent-State in the abovesaid status report has been disputed by the learned counsel for the petitioner.

On a further query, it has been acknowledged by the respondent-State that the petitioner has joined the investigation in the present case on 13.05.2024, but he was not cooperative with the Investigating Agency.

On a specific query put to the learned State Counsel that as to what kind of cooperation was being expected from the petitioner, the State Counsel, who is assisted by the Investigating Officer, is not able to extend any satisfactory response.

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Considering the same, I find that the objection regarding non-cooperation in investigation on the part of the petitioner is unsubstantiated and is only being cited as a ploy to oppose the present petition. Further specific question was raised to the respondent-State with respect to the material that has been collected by the Investigating Agency to connect the petitioner with the alleged offence, however, the State was not in a position to respond to the same in a clear and categorical terms.

As already admitted above by the respondent-State that the petitioner has already joined the investigation (although with an objection that the petitioner remained non-cooperative during the investigation), however, the Investigating Agency failed to cull out any cogent ground that as to why the petitioner is required for further investigation in the matter. In such circumstances, it can safely be presumed that the petitioner is not required for any further custodial investigation/interrogation.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 05.04.2024 is, hereby, made absolute. However, the petitioner shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

MAY 24, 2024
*rajender***(VINOD S. BHARDWAJ)**
JUDGE*Whether speaking/reasoned* : Yes/No*Whether reportable* : Yes/No