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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39609-2024 (O&M)
Date of Decision:- 25.09.2024

ARVINDER KUMAR

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Atul Kaushik, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 CrPC
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
206	27.10.2023	406, 420, 120-B IPC; (467, 468, 471 IPC and 24 of the Immigration Act, added later on)	Mataur, District SAS Nagar

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 14.08.2024 and 13.09.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions received from ASI Davinder Singh has intimated that the petitioner has joined investigation and



is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 14.08.2024 and 13.09.2024, the following orders were passed:-

“ 2. Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in the case. He submits that the name of the petitioner is neither mentioned in the FIR nor he has any concern with the alleged transaction. He further submits that the police has already filed the challan against the accused named in the FIR itself way back on 14.03.2024, but in order to harass the petitioner, the police is issuing notices under Section 41-A CrPC and in this regard learned counsel has referred to Annexures P-2 to P-4. i.e. the notices issued to the petitioner by Police Station Mataur.

3. Notice of motion.

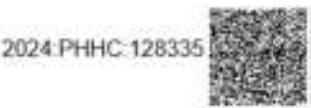
4. On the asking of the Court, Mr. Ankit Grewal, DAG Punjab present in Court, accepts notice on behalf of the respondent-State and on instructions from ASI Devinder Singh submits that admittedly the name of the petitioner is not mentioned in the FIR, and challan against the accused persons named in the FIR has been presented in the Court on 14.03.2024.

5. To a query that once the challan has been presented in the Court under what provision the police is calling the petitioner, the Investigating Officer of the case has not been able to explain any justifiable ground.

6. Let a detailed affidavit in this regard be submitted by Senior Superintendent of Police, SAS Nagar (Mohali) along with action taken report against the guilty official, if any, on or before the next date of hearing.

7. List on 06.09.2024.

8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall 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.”



“The instant application under Section 528 of BNSS has been filed by the applicant-petitioner for grant of extension of time to join the investigation, as petitioner could not join investigation on account of medical ailment, in compliance of the order dated 14.08.2024. He has also placed on record the copy of medical certificate of the petitioner.

2. Keeping in view the averments made in the application and in the interest of justice, the petitioner is granted time till 19.09.2024 to join the investigation in terms of the order dated 14.08.2024.

3. Disposed of.”

6. 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 14.08.2024 and 13.09.2024 passed by this Court, interim bail granted vide order dated 14.08.2024 and 13.09.2024 are hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS 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.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

25.09.2024
S.Sharma(syr)

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