

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45934-2023
Date of decision: 04.01.2024

NAIB SINGHPetitioner

Versus

THE STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Harpreet S. Rakhra, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
0081	27.07.2023	419, 420, 465, 467, 468, 471, 120-B of IPC and Section 82 of Registration Act, 1908.	Maur, District Bathinda (Punjab).

2. Learned counsel for the petitioner submits that in compliance to the order dated 14.09.2023 passed by this Court, the petitioner has already joined in the investigation and as such prayed for confirming the interim bail granted vide order 14.09.2023.

3. Learned State counsel intimates that the petitioner had joined the investigation in the case on 27.10.2023 and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 14.09.2023, following order was passed:

“Learned counsel appearing on behalf of the petitioner has submitted that the only role attributable to the petitioner was that he had asked the other co-accused namely Labh Singh to attest as a witness and submitted that the aforesaid co-accused Labh Singh has been granted interim bail by this Court in CRM-M-43094-2023 in which notice of motion was issued.

Notice of motion.

Mr. Harsimar Singh Sitta, DAG, Punjab accepts notice on behalf of the State of Punjab.

Adjourned to 18.12.2023.

To be heard alongwith CRM-M-43094-2023.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 14.09.2023 is hereby confirmed in the present FIR No.0081, dated 27.07.2023 under Sections 419, 420, 465, 467, 468, 471, 120-B of IPC and Section 82 of Registration Act, 1908 (Annexure P-1),

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.

(SANJIV BERRY)
JUDGE

04.01.2024

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