

2024:PHHC:037179

217

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46212-2023
Date of Decision: 14.03.2024

Ashish Arora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Ashish Arora) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.59 dated 24.07.2023 (Annexure P-1), under Section 365 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, registered at Police Station Tibber, Police District Gurdaspur, District Gurdaspur.

2. On 12.12.2023, the following order was passed by a co-ordinate Bench of this Court :-

“ Learned counsel for the petitioner submitted vide order dated 25.09.2023, it was directed by this Court that till the next date of hearing, the arrest of the petitioner shall remain stayed. She further submitted that now the petitioner may be permitted to join the investigation.

Adjourned to 14.03.2024.

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 the 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.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Balwinder Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 12.12.2023, passed by a co-ordinate Bench of this Court, is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.
8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

- 10. Present petition is accordingly disposed of.
- 11. All pending application(s), if any, shall also stand closed.

14.03.2024
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No