

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49952-2023
Date of decision: 23.01.2024

SIKANDAR SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Atul Kumar, Advocate for
Mr. G.P.S. Ghuman, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. 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
0066	01.08.2023	420, 406 and 120-B of IPC.	Badali Ala Singh, District Fatehgarh Sahib, Punjab.

2. Learned counsel for the petitioner submits that in compliance to the orders dated 04.10.2023 and 05.12.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 05.12.2023.

3. Learned State counsel, on instructions from SI Balwinder Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. During the course of hearing on 05.12.2023, following order was passed:

“Heard on application for granting opportunity to the petitioner to join investigation before the Police as per order dated 04.10.2023 (Annexure P-10). It is mentioned in the application that the petitioner was under impression that 7 days will start from date of certified copy, which was obtained on 06.10.2023 and also submitted that since his wife had passed away and had also gone to perform certain rituals at Haridwar.

Reply dated 05.12.2023 filed in Court today, is taken on record, subject to just exceptions.

Keeping in view the fact that the petitioner has been granted concession of interim anticipatory bail and further in view of the averments made in the application, the petitioner is directed to join the investigation on or before 07.12.2023 positively and be present before SHO, Badali Ala Singh in compliance of order dated 04.10.2023.

Application is disposed of accordingly.”

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 05.12.2023 is hereby confirmed in the present FIR No.0066, dated 01.08.2023 under Sections 420, 406 and 120-B of IPC (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

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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

23.01.2024
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No