

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56982-2023

Date of Decision : 05.03.2024

JAGMOHAN LAL

.....Petitioner

VERSUS**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Aditya Dassaur, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 14.11.2023, the following order was passed by this
Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of pre-arrest bail, in case FIR No.23 dated 04.02.2023, under Sections 448/511/120 of the IPC (which were deleted subsequently), Sections 406/420/120-B of the IPC (which were incorporated subsequently vide DDR No.40 dated 18.10.2023), registered at P.S. Mukerian, District Hoshiarpur.

2. The learned counsel for the petitioner submits that the name of the petitioner does not reflect anywhere in the FIR. However, in order to aggravate the offences, a DDR bearing No.40 was registered on 18.10.2023, i.e. after about 8 months of the registration of the FIR, wherein, the name of the petitioner surfaced for the first time ever and he was nominated as an accused in the instant FIR. He further submits that a bare glance at the contents of the FIR unveils that no offence under Section 406 or 420 of the IPC is made out against the petitioner. Moreover, Section 120-B of the IPC has been incorporated without there being any iota of evidence.

3. Be that as it may, without commenting on the nature of the allegations, this Court deems it appropriate to, at this stage, grant the asked for relief of pre-arrest bail to the petitioner.

4. Notice of motion for 17.01.2024.

5. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency on

18.12.2023, or, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Thereupon, though the petitioner joined the investigation, but he has not fully co-operated with the investigating officer, as informed to this Court by the learned State counsel.

3. Therefore, on request of learned counsel for the petitioner, vide order dated 20.10.2024, the petitioner was again directed to join investigation and to fully co-operate with the investigating officer.

4. Learned State counsel, on instructions imparted to him by ASI Kartar Singh, submits that the petitioner has joined the investigation in pursuance to the aforesaid orders, and he has fully co-operated with the investigation process, and he is no more required for any further custodial investigation.

5. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 14.11.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

March 05, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No