

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

**CRM-M-17379 of 2015
Date of decision : 16.07.2015**

Chand Singh and others

..... Petitioners

Versus

The State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rohit Kumar, Advocate for petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

DARSHAN SINGH, J. (Oral)

The present petition has been filed by petitioners under Section 438 of the Code of Criminal Procedure, 1973 for grant of the anticipatory bail in case FIR No.30 dated 23.02.2015, under Sections 452, 323, 148, 149 of Indian Penal Code, registered at Police Station Sangat, Bathinda.

2. On the last date of hearing, the petition on behalf of petitioners Chand Singh, Pokhar Singh, Jaggi Singh and Shivraj Singh was dismissed as withdrawn. Now this petition is being pursued only by petitioners Mohna Singh and Rogha Singh. On 25.05.2015, the following order was passed : -

“Learned counsel for the petitioners states that he withdraw the petition on behalf of petitioners Chand Singh, Pokhar Singh, Jaggi Singh and Shivraj Singh. He has pressed the petition only

qua Mohna Singh and Rogha Singh to whom no specific injury has been attributed.

Notice of motion for 16.07.2015.

In the meanwhile, in the event of arrest of the petitioners Mohna Singh and Rogha Singh, they will be admitted to the interim anticipatory bail on furnishing bail bonds to the satisfaction of the Arresting Officer on the conditions that they will join the investigation as and when required by the Investigating Officer, that they will not directly or indirectly tamper with the prosecution evidence and that they will not leave India without the prior permission of the Court. ”

3. Learned State counsel on the instructions of ASI Rajpal Singh, Police Station Sangat states that petitioners Mohna Singh and Rogha Singh have joined the investigation but the weapons could not be recovered. He has also pointed out that now Section 308 of the Indian Penal Code, 1860 has also been added on 29.05.2015 i.e. after passing of the order of interim anticipatory bail.

4. Admittedly, no injury has been attributed to petitioners Mohna Singh and Rogha Singh, so, non-recovery of weapons from their possession is immaterial. This fact is not disputed that they had already joined the investigation and have been thoroughly interrogated. Therefore, their custodial interrogation is not required. They have also not been attributed any injury. So, their detention will not serve any purpose.

5. Consequently, the present petition is hereby allowed and the order of interim anticipatory bail dated 25.05.2015 is hereby made absolute subject to the conditions that they shall join the investigation as

and when required by the Investigating Officer; that they shall not directly or indirectly tamper with the prosecution evidence; that they shall not leave India without the prior permission of the trial Court.

16.07.2015
sunil yadav

(DARSHAN SINGH)
JUDGE