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

**CRM-M No.19438 of 2015
Date of Decision: 20.07.2015**

MALKIAT SINGH @SABHI AND ORS Petitioners

Vs

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Goraya, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. A.S. Manaise, Advocate
for the complainant.

1. ***Whether Reporters of local papers may be allowed to see the judgment ?***
2. ***To be referred to the Reporters or not ?***
3. ***Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J. (Oral)

The petitioners seek grant of anticipatory bail in case bearing FIR No.11 dated 10.04.2015, under Sections 323/324/34 IPC and Section 307 IPC added subsequently, P.S. Dorangla, Distt. Gurdaspur.

Learned counsel for the petitioners states that the present case is of version and cross-version. Initially FIR was registered under Sections 323, 324 and 34 IPC in respect of occurrence dated 09.04.2015. Petitioners were granted regular bail. The

injured/complainant Ajay Kumar was discharged from Hospital on 23.04.2015 and offence under Section 307 IPC was added on 15.05.2015.

Learned counsel further states that nothing is to be recovered from the petitioners. After the grant of regular bail for all subsequent enlargement and culpability, petitioners are entitled to anticipatory bail.

On 09.06.2015, a co-ordinate Bench of this Court passed the following order:-

"It is the contention of the counsel for the petitioners that the petitioners were earlier arrested and recoveries of the weapons have been effected from them. The occurrence is of 09.04.2015 at about 6:30 pm and the injured/complainant Ajay Kumar has been discharged from the hospital on 23.04.2015. Later on offence under Section 307 IPC was added on 15.05.2015 on the basis of a report given by the Board of Doctors. Accordingly the petitioners, who were earlier released on bail, approached the Court below for grant of anticipatory bail, which has been denied. Counsel contends that since the petitioners have already been arrested and recoveries have been effected from them, their custodial investigation is not required. He contends that the petitioners are ready and willing to join, participate and cooperate in the investigation.

Notice of motion for 20.07.2015.

Petitioners shall join the investigation as and when called for by the Investigating Officer. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of Investigating/Arresting Officer subject to

the following conditions apart from others as specified under Section 438 (2) Cr.P.C.:-

i) that they shall make themselves available for interrogation by a police officer as and when required;

ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) that they shall not leave India without the previous permission of the Court.”

Learned counsel for the petitioners states that petitioners have already complied with the aforesaid order and have been granted interim bail by the Arresting Officer. Petitioners have joined the investigation on 08.06.2015.

Learned State counsel on instructions from ASI Joginder Singh admits the aforesaid fact of joining investigation by petitioners.

Learned counsel for the complainant, however objects to the grant of anticipatory bail on the ground that grievous injury has been attributed to petitioner No.1.

Fact remains that for initial version, petitioners were granted regular bail and recoveries were effected from them.

Learned counsel for the petitioners also states that in a criminal complaint filed against the complainant-party, preliminary evidence has already been recorded.

At this stage, without embarking upon merits of allegations and counter-allegations, since the petitioners have already joined the investigation, order dated 09.06.2015 is made absolute.

Disposed of accordingly.

July 20, 2015

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**(RAJ MOHAN SINGH)
JUDGE**