

201
IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

CRM-M-19497 of 2015 (O&M)
Date of Decision: 14.09.2015

Resham Lal and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. JBS Gill, Advocate
for the petitioners.

Mr. Gazi Mohd., DAG, Punjab
for the State.

R.P. Nagrath, J. (Oral)

This petition under Section 438 Cr.P.C. has been filed by the petitioners for grant of anticipatory bail in case FIR No.129 dated 19.05.2015 registered under Sections 324, 326, 427, 379, 34 IPC at Police Station Dasuya, District Hoshiarpur.

When the matter was listed on 09.06.2015 the following order was passed:-

“Contends that the complainant-Tehal Singh was accused in the earlier FIR No.130 dated 25.08.2014 registered under Sections 326, 324, 148, 149 IPC, regarding the same land and it was noticed that the petitioners were in the possession and his anticipatory bail was rejected vide order dated 23.02.2015 (Annexure P2). Accordingly, it is submitted that the petitioners had not attributed any grievous injury and the theft case was not made out against them. The injury under Section 326 IPC was attributed to Yog Raj, who is not the petitioner before this Court.

Notice of motion for 21.07.2015.

In the meantime, in the event of the arrest of the petitioners, they shall be released on interim bail by the arresting officer, subject to the conditions laid down in Section 438(2) Cr.P.C.”

Learned State counsel submits that petitioners have joined the investigation on 07.07.2015. It is, however, submitted that Yog Raj who was attributed injury under Section 326 IPC was arrested. Learned State counsel, however, submits that the tempo is still to be recovered and registration No. of the tempo is also known to the investigating agency. For that matter it is for the investigating agency to take appropriate steps during the investigation.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioners vide order dated 09.06.2015 is made absolute and the petitioners shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C. The petitioners would also keep on co-operating with the investigation.

(R.P. NAGRATH)
JUDGE

September 14, 2015.
Dinesh