

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

**CRM-M-30641 of 2014
Date of decision : 16.07.2015**

Santokh Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.A.P.S.Mann, Advocate
for the petitioners.

Mr.Jashanpreet, AAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioners Santokh Singh and Gurbux Singh, under Section 438 Cr.P.C for grant of the anticipatory bail in case FIR No. 80 dated 01.07.2014, under Sections 307, 452, 323, 324, 427, 506, 148, 149 of Indian Penal Code (Section 307 deleted subsequently, Section 120-B added subsequently), registered at Police Station Nurpur Bedi, District Rupnagar.

2. On 28.04.2015, the following order was passed:-

“This petition has been filed for grant of anticipatory bail by petitioners Santokh Singh and Gurbux Singh.

Learned State counsel states that the petitioners have not joined the investigation as only their arrest was stayed.

In order to facilitate the investigation, the petitioners are directed to join the investigation on 12.5.2015 and in the event of their arrest, they shall have to be admitted to interim anticipatory bail on furnishing bail bonds to the satisfaction of the Investigating Officer.

Adjourned to 16.7.2015.”

3. Learned counsel for the petitioner states that both the petitioners were not named in the FIR. It has been mentioned in the FIR that the persons who have been specifically named had entered the house of the complainant and caused the injuries. The other unidentified persons remained standing outside their house. He contended that later on in the statement of Babu Lal @ Babu Ji, it has been mentioned that they have caused the injuries to him with iron rods, but the said injuries are simple in nature. He further contended that the petitioners have already joined the investigation and have been sufficiently interrogated. They are not required for any custodial interrogation.

4. On the other hand, learned State counsel states that though the petitioners have joined the investigation, but the weapon i.e. iron rods are yet to be recovered from their possession.

5. This fact has not been disputed that both the petitioners have already joined the investigation and have been sufficiently interrogated. Mere this fact that recovery of the weapon alleged to be in their possession has not been effected can not be a ground to decline the concession of the anticipatory bail to which they are otherwise entitled.

6. In view of the fact that both of them were not named in the FIR and only simple injuries have been attributed to them, they have already joined the investigation and co-accused namely Gurpreet Singh @ Banti and Balbir Singh have already been granted the concession of the anticipatory bail. The present petitioner also deserve the similar concession on the principle of parity.

7. Consequently, the present petition is hereby allowed and the order of interim anticipatory bail dated 28.04.2015 is hereby made absolute subject to the conditions as provided under Section 438(2) Code of Criminal Procedure, 1973.

16.07.2015
s.khan

(DARSHAN SINGH)
JUDGE