

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3488-2015

Date of decision: 12.3.2015

Tarsem Singh @ Sema and another

..... Petitioners

Versus

State of Punjab

..... Respondent

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

PRESENT: Mr. Inderjit Sharma, Advocate for
Mr. Manish Bansal, Advocate for the petitioners.

Mr. Gazi Mohd., Deputy Advocate General, Punjab.

Mr. Parampreet S. Brar, Advocate
for complainant-Sukhmander Singh.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioners seeking anticipatory bail in FIR No. 209 dated 18.12.2014 registered under Sections 452/323/34 of the Indian Penal Code (IPC) at Police Station Nathana, District Bathinda.

When this case was listed on 02.02.2015, following order was passed:-

“Contends that the petitioners have been falsely implicated. There is in fact a dispute between the complainant i.e. Sukhwinder Singh and his wife Sukhwinder Kaur, who was earlier a tenant in the petitioners' house.

Notice of motion for 09.02.2015.

Petitioners are directed to appear before the Investigating Officer and join investigation. In the event of their arrest, they shall be released on interim bail by the Arresting/Investigating Officer to his satisfaction. They shall join the investigation as and when called upon by the Investigating Agency and they shall fully cooperate in the investigation of this case. The petitioners shall comply with the conditions stipulated in Section 438 (2) Cr.P.C.”

On instructions from ASI Kaur Singh, learned State counsel submits that petitioners have joined the investigation and they are no more required for further interrogation.

Learned counsel for the complainant submits that there is a threat to the life and liberty of complainant as he is being forced to leave the village because of intimacy of the wife of complainant with petitioner No. 1-Tarsem Singh @ Sema.

If that be so, the complainant is at liberty to move appropriate application in this regard to the Senior Superintendent of Police, concerned.

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 2.2.2015 is made absolute and the petitioners shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

March 12, 2015
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(R.P. NAGRATH)
JUDGE