

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-39704 of 2014
Date of Decision:- 12.02.2015

Harvinder Singh @ Ravinder Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Vivek K. Thakur, Advocate, for the petitioners.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioners have preferred the instant petition for the grant of anticipatory bail, in a case registered against them, vide FIR No.61 dated 09.07.2012, on accusation of having committed the offences punishable under Sections 323, 324 and 148 read with Section 149 IPC (the offence punishable under Section 326 IPC was later on added), by the police of Police Station Kapurthala.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on January 29, 2015: -

“Learned counsel, inter alia, contended that the petitioners have been falsely implicated in this case by the complainant as back as on 09.07.2012. The argument is that even thereafter the matter was amicably settled between the parties, by virtue of compromise deed (Annexure P-4) and the complainant has reiterated the factum of compromise in his affidavit (Annexure P-5) but still the police intends to arrest the petitioners, without any cogent reasons.

Heard.

Notice of motion be issued to the respondent, returnable for 12.02.2015.

Meanwhile, the petitioners are directed to join the investigation before the next date of hearing. In the event of their arrest, the Arresting Officer would admit them to bail on their furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- each to his satisfaction.”

5. At the very outset, on instructions from H.C. Baldev Singh, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation, at this stage. There is no history of their previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioners, by virtue of indicated order

of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail, in this Court.

February 12, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE