

CRM No.M-39903 of 2014
CRM No.M-43457 of 2014

&

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.M-39903 of 2014

Harbans Singh

..Petitioner

Versus

State of Punjab

..Respondent

(2) CRM No.M-43457 of 2014

Baljit Singh Patwari

..Petitioner

Versus

State of Punjab

..Respondent

Date of Decision: - 07.01.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. D.S. Pheruman, Advocate,
for the petitioner in 1st case.

Mr. Charanpal Singh Bagri, Advocate
for the petitioner in 2nd case.

Mr. J.S. Sekhon, A.A.G., Punjab,
for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

As identical points to grant the concession of anticipatory bail to the petitioners or otherwise, are involved, therefore, I propose to dispose of indicated criminal petitions bearing CRM No.M-39903 of 2014 titled Harbans Singh Vs. State of Punjab (for brevity “the 1st petition”) and CRM-M No.43457 of 2014 titled Baljit Singh Patwari Vs. State of Punjab (for short “2nd petition), arising out of the same case/FIR,

by means of this common order, to avoid the repetition of facts.

2. The petitioners have preferred the instant separate petitions for the grant of anticipatory bail, in a case registered against them along with their other co-accused, vide FIR No.204 dated 01.11.2014, on accusation of having committed the offences punishable under Sections 295-A and 120-B IPC, by the police of Police Station Jhabhal, District Tarn Taran.

3. Notices of the petitions were issued to the State.

4. 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 petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by this Court on November 21, 2014, in 1st case :-

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated in this case by the complainant in order to wreak vengeance. The argument is that being a press reporter he has published the news item as such without any addition and omission. The argument further proceeds that no indicated offences are made out and nothing is to be recovered from the petitioner.

Heard.

Notice of motion be issued to the respondent, returnable for 05.12.2014.

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

6. Sequelly, the similar order was passed by this Court on December 19, 2014, in 2nd petition as well.

7. At the very outset, on instructions from ASI Satpal 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. Above-all, the parties are stated to have amicably settled their disputes.

8. In the light of aforesaid reasons and taking into consideration the totality of facts and 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 petitions for anticipatory bails are accepted. The interim bails already granted to the petitioners, by virtue of indicated orders of this Court, are 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 petitions for anticipatory bails. 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.

January 07, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE