

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-6001 of 2015

Date of Decision: 6.4.2015

Sukhdeep Rani and Another

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioners.

Mr. Neeraj Yadav, AAG Punjab
for the respondent.

Mr. Surinder Gaur, Advocate
for Mr. Surinder Garg, Advocate
for the complainant.

Darshan Singh, J.

1. The present petition has been filed by the petitioners, namely Sukhdeep Rani and Gursewak Raj for grant of anticipatory bail in case FIR No. 9 dated 29.1.2015, registered under Sections 307, 450 & 323 read with Section 34 of the Indian Penal Code, 1860 and 25/54/59 of the Arms Act, 1959 at Police Station Kotbhai, District Muktsar Sahib.
2. As per the prosecution case, the petitioners along with Gulzari Lal, in furtherance of their common intention, had caused injuries to complainant Charanjit Singh.
3. Learned counsel for the petitioners contended that as per the prosecution allegations, Sukhdeep Rani has been attributed an injury with a lathi on the wrist of the complainant, whereas petitioner-Gursewak Raj with "tangli" injury on his shoulder. But in the medicolegal report of the complainant, no such injuries have been shown. He further pleaded that the petitioners have already joined the investigation as directed by this Court and are no longer required for custodial interrogation.
4. Learned State counsel, assisted by Mr. Surinder Gaur,

Advocate appearing for learned counsel for the complainant, pleaded that the offences are of serious nature and Gulzari Lal is still at large. So the petitioners do not deserve the concession of anticipatory bail.

5. This fact is not disputed that both the petitioners have already joined the investigation. Learned State counsel has categorically stated, on the instructions from Assistant Sub Inspector Gurtej Singh, that both the petitioners have already joined the investigation as directed by this Court and they have been sufficiently interrogated. Thus, the petitioners are no more required for custodial interrogation.

6. I have duly considered the aforesaid contentions.

7. As per the medicolegal report of the complainant, he has suffered only one injury on his left thigh. In the medicolegal report, the injuries on his left wrist and right shoulder have not been shown. So the allegations levelled against the petitioners are quite debatable. Admittedly, they have already joined the investigation and are no longer required for custodial interrogation. Thus, their detention will not serve any purpose.

8. In view of above, the present petition is hereby allowed and the order dated 2.3.2015 granting interim pre-arrest bail to the petitioners is hereby made absolute. The petitioners shall, however join the investigation as and when called for and they will also abide by the conditions as specified under Section 438 (2) Cr.P.C.

(Darshan Singh)
Judge

April 6, 2015

“DK”