

CRM-M-8088 of 2015 1

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

**CRM-M-8088 of 2015
Date of decision : 16.07.2015**

Sukhwinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Ashok Giri, Advocate
for the petitioner.

Mr.Jashanpreet, AAG, Punjab.

Mr. Naveen Batra, Advocate
for the complainant.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioner Sukhwinder Singh and Avtar 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, 325, 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 26.03.2015, the following order was passed:-

“Contends that petitioner No.1-Sukhwinder Singh was not named in the FIR and petitioner No.2-Avtar Singh even though named has not been attributed any injury. Besides, the coaccused, who are similarly situated, have been granted interim anticipatory bail.

Notice of motion for 28.4.2015.

In the meantime, the arrest of the petitioners shall remain stayed subject to the following conditions :-

- i) They will make themselves available for investigation as and when required to do so.
- ii) They will not leave the country without the prior permission of the Court.
- iii) They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.”

3. Learned counsel for the petitioner pleads that the name of the petitioner Sukhwinder Singh was not mentioned in the FIR and no injury has been attributed to him. He further contended that though name of the petitioner Avtar Singh was mentioned in the FIR, but no injury was attributed to him. He further contended that the concession of the anticipatory bail has already been granted by this Court to co-accused namely Balbir Singh and

Gurpreet Singh @ Banti against whom there are also similar allegations. They also deserves the similar concession on the principle of parity.

4. Learned State counsel on the instructions of ASI Vijay Kumar, Police Station Nurpur Bedi, District Rupnagar states that the petitioner has already joined the investigation and has been sufficiently interrogated and is no longer required for the purpose of investigation.

5. Thus, as the petitioners have already joined the investigation, they are not required for any custodial interrogation. No injury has been attributed to them. Co-accused namely Balbir Singh and Gurpreet Singh @ Banti have already been granted the concession of the anticipatory bail. The present petitioner also deserve the similar concession on the principle of parity.

6. So, the present petition is hereby allowed and the order of interim anticipatory bail dated 26.03.2015 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**