

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

CRM-M -15866 of 2016 (O&M)
Date of decision: 09.08.2016

Daljit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Baath, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Jasbir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in case FIR No.40, dated 25.03.2016, registered under Sections 379, 411, 434, 447, 506 read with Section 34 IPC, at Police Station Bassi Pathana, District Fatehgarh Sahib.

On 09.05.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.40 dated 25.03.2016, under Sections 379/411/434/447/506/34 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

FIR in question came to be registered on the statement of Sarpanch of the village with the assertions that the passage from the village phirni to the cremation ground was a kacha passage and the State Government having sanctioned a grant to the Gram Panchayat for purposes of cementing the same, a demarcation of the passage was conducted on 23.03.2016 by Halqa Kanungo and even cemented pillars were affixed upon demarcation. Allegations against the present petitioners are that they abused the complainant and even stole some of the cemented pillars.

Counsel would submit that the passage has already been cemented and the petitioners are ready and willing to compensate the Gram Panchayat for any damage that may have been caused on account of removal of some cemented pillars.

It is submitted that under such circumstances, custodial interrogation of the petitioners would not be warranted.

Notice of motion, returnable for 09.08.2016.

In the meanwhile, petitioners are directed to appear before

Investigating Officer and to join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 09.05.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions, submits that

the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 09.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

09.08.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No