

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

CRM-M -17138 of 2016 (O&M)
Date of decision: 30.08.2016

Gurwinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Kataria, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Avtar 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 FIR No.08, dated 17.01.2016, registered under Sections 365, 511, 120-B r/w Section 34 IPC and Section 25 of Arms Act, at Police Station Cantonment, Amritsar.

On 18.05.2016, this Court had passed the following order:-

“Petitioners seek concession of pre-arrest bail in case FIR No.8 dated 17.01.2016, under Sections 365/511/120-B/34 IPC read with Sections 25/54/59 of the Arms Act, registered at Police Station Cantonment Amritsar, District Amritsar.

Briefly noticed, FIR came to be registered at the instance of Anil Kumar with regard to abduction of a child aged about 13/14 years,namely, Sanjay @ Laddu on 17.01.2016. Even as per

complainant's version, child returned home after about 1 hour.

Counsel would contend that in the investigation that was carried out, Gurbir Singh and Sonia were arrested and even a pistol as also a car was recovered. The present petitioners are sought to be implicated on the basis of statements of co-accused, Gurbir Singh and Sonia. It is further contended that the FIR had been registered at the instance of the complainant on account of certain differences and the matter thereafter had been resolved and even a compromise is stated to have been arrived at. In this regard, counsel would advert to a compromise deed at Annexure P-3.

Notice of motion, returnable for 30.08.2016.

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 18.05.2016, the petitioners have joined the investigation. Otherwise also, the compromise has been effected between the parties.

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 18.05.2016, is made absolute, subject to the conditions

contained in Section 438(2) Cr.P.C.

The petition stands allowed.

30.08.2016

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(JITENDRA CHAUHAN)
JUDGE

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